



Tennessee Department of Environment and Conservation
Division of Water Resources
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor, Nashville, Tennessee 37243

Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)

PURPOSE

The purpose of this Notice of Intent (NOI) is for a Tennessee city, county, utility district, university or military base to submit the information necessary to obtain coverage under an NPDES permit to discharge stormwater runoff from a Phase II municipal separate storm sewer system.

INSTRUCTIONS

You must provide the following information to the Division of Water Resources as application material. You may either submit a hard copy of the signed NOI as described in sub-part 2.2.1 of the MS4 Permit, signed in accordance with the signatory requirements of sub-part 6.7 of the permit, and a copy of the NOI, to the address shown in sub-part 1.2 of the permit for the EFO responsible for the county where the facility is located; or you may submit by e-mail, the completed NOI and attachments (such as map and city ordinances) to water.permits@tn.gov.

After completing the questions in each section, list the Best Management Practices (BMPs) that you will implement in each program. Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

After completing the BMP's in each section provide the administrative information to complete those BMP's as explained here:

Primary Contact and Position/Title	The person in your organization serving as the primary contact.
Other Department and Roles	Other departments within your organization involved in the project and how their role is identified.
Other Government Entity and Roles	Identification of other government entities responsible for implementing one or more of the BMP's. Include a copy of the contract or proposed agreement with execution schedule.
Other Institutions and Roles	Identification of partnerships with another MS4 operator or institution (e.g., Chamber of Commerce, environmental interest organizations, civic groups) to achieve the BMP's.
Target Groups (if applicable)	Specific kinds of groups that will be targeted, such as service industries (i.e., carpet cleaning), civic groups, schools, and church groups, etc.

PART I - ADMINISTRATIVE INFORMATION

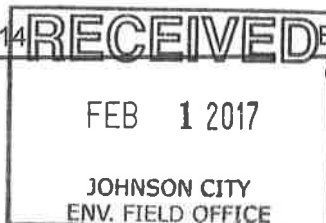
Name of Phase II MS4 city, county, stormwater utility district or public institution: Carter County

Include a latitude and longitude of a representative location within your boundaries for mapping purposes.

Latitude (dd.dddd): 36.349291 Longitude (dd.dddd): 82.210479

Jerry Pearman Chairman of Carter County Planning Commission
Responsible Elected Official or Officer Title

801 E. Elk Ave., Box #14 Elizabethton TN 37643
Street Address City State Zip Code



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PROGRAM CONTACT

Christopher Schuettler

Name

schuettler11b@gmail.com

Email Address

423-542-1834

Phone Number

TECHNICAL CONTACT

(Same as Program Contact)

Name

Email Address

Phone Number

☐ Attach an organizational chart that shows the different departments involved in stormwater management.

PART II - DESCRIPTION OF STORM SEWER SYSTEM

ITEM A - AREA SERVED (IN SQUARE MILES)

For a city, town, university, or utility district university or military base:

Provide jurisdiction area within current boundaries

Provide additional area of urban growth boundary

For a county:

Provide total area:

Provide area that is unincorporated

Provide unincorporated, urbanized area (UA)

Indicate by checking the appropriate box if the permit will be used to regulate non-UA portions of the county:

☐ No

☒ Yes, the entire county (unincorporated)

☐ Yes, the non-UA portions, as follows: _____

342

329

9.1

ITEM B - STORM DRAINAGE INFRASTRUCTURE

Give figures for the following features of stormwater drainage infrastructure owned or operated by the local government. For a county government, indicate whether the figures represent the entire county or only the urbanized area. Figures for length and number of culverts and catch basins may be rough estimates.

For counties: Entire county

☒

Urbanized area only

☐

Storm Sewers <2500LF (miles or feet)

Culverts

Water Quality Treatment Ponds

1100

Open Ditches

Catch Basins

450 Miles (miles or feet)

<100

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ITEM C - MAPS

Include a map or maps depicting the following information. A single map may be submitted, as long as the information is legible. If you are not able to provide all the information mark the applicable check box and attach an explanation as to why the information has not been submitted:

Zoned areas for commercial or industrial activity	<input checked="" type="checkbox"/>	State vocational, technical, college or universities	<input checked="" type="checkbox"/>
Actual areas of commercial or industrial activity	<input checked="" type="checkbox"/>	Federal vocational, technical, college or universities	<input type="checkbox"/>
Other municipally owned/operated industrial activities	<input type="checkbox"/>	City Roads	<input type="checkbox"/>
Municipal or County Wastewater Treatment Plants	<input checked="" type="checkbox"/>	County Roads	<input checked="" type="checkbox"/>
Vehicle Fleet Maintenance Centers	<input checked="" type="checkbox"/>	Streams	<input checked="" type="checkbox"/>
Power Plants	<input type="checkbox"/>	Topography or Drainage Patterns	<input checked="" type="checkbox"/>
Airports	<input checked="" type="checkbox"/>	Landfills	<input checked="" type="checkbox"/>
Military Installations	<input type="checkbox"/>		

ITEM D - IDENTIFYING STREAMS WITH UNAVAILABLE PARAMETERS or EXCEPTIONAL TENNESSEE WATERS

Using the GIS mapping tool (<http://www.tn.gov/environment/article/wr-water-resources-data-viewer>) along with the most current 303(d) list (<http://www.tn.gov/environment/article/wr-wq-water-quality-reports-publications>) published on the division's web site, determine whether stormwater from any part of the MS4 discharges into streams with unavailable parameters (previously referred to as impaired streams) for nutrients, pathogens, siltation, or other parameters related to stormwater runoff from urbanized areas or to streams designated as Exceptional Tennessee Waters and list below. For any waterbody with unavailable parameters or Exceptional Tennessee Waters, indicate the waterbody ID#, name of the waterbody and nature of pollution (cause) or Exceptional status.

WATERBODY ID# AND NAME OF WATERBODY	NATURE OF POLLUTANT (CAUSE) OR EXCEPTIONAL
CAMPBELL BRANCH TND06010103008-0200	E. COLI, SILTATION, HABITAT ALTERATION,, NITRATES
DAVIS BRANCH TN06010103008-0400	HABITAT ALTERATION, STREAMSIDE VEGETATION ALTERATION
GAP BRANCH TN06010103008-0800	E. COLI, SILTATION, HABITAT ALTERATION, NITRATES
WATAUGA RIVER TN06010103008-1000 AND 2000	UNDETERMINED CAUSES, STREAM IMPOUNDMENT
	CAUSES, STREAM IMPOUNDMENT IS NRCS STRUCTURE
BUFFALO CREEK TN06010103011-1000	E. COLI, NITRATES,
ROARING CREEK TN06010103013-0600	IRON,
GOUGE CREEK TN060010103013-0811	SILTATION,
WATAUGA LAKE TN06010103020-1000	MERCURY
SINKING CREEK TN06010103046-1000	E. COLI,

If you have additional streams to list, include in a separate attachment.

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ITEM E - STATE OR EPA ISSUED TDMLs

Identify established and approved TMDLs with waste load allocations for MS4 discharges in your jurisdiction and check the appropriate box. A list of EPA-Approved TMDLs as well as EPA-Established TMDLs for Tennessee waters can be found on the division's web site: <http://www.tn.gov/environment/article/wr-ws-tennessees-total-maximum-daily-load-tmdl-program>.

Yes ☒ No ☐ If yes, list the waterbody ID#, name of unavailable waterbody and parameter(s) of concern:

WATERBODY ID# AND NAME OF UNAVAILABLE WATERBODY	PARAMETERS OF CONCERN
WATAUGA RIVER HUC06010103	SILTATION/HABITAT ALTERATION
CAMPBELL BRANCH TN06010103008-0200	SILTATION/HABITAT ALTERATION
DAVIS BRANCH TN06010103008-0400	SILTATION/HABITAT ALTERATION.
GAP BRANCH TN06010103008-0800	SILTATION/HABITAT ALTERATION
WATAUGA RIVER HUC06010103	E. COLI
CAMPBELL BRANCH TN06010103008-0200	E. COLI
SINKING CREEK TN06010103046-1000	E. COLI

If you have additional streams to list, include in a separate attachment.

**PART III
EXISTING LEGAL AUTHORITY TO CONTROL STORMWATER DISCHARGES TO MS4**

You must review existing adopted and signed ordinances or regulations that are associated with stormwater discharges to your MS4. Attach a copy of ordinances and/or policies that give your MS4 the authority to control stormwater discharges into the MS4 storm sewer system. Ordinances and/or policies that deal with stormwater issues might be found, for example, in conjunction with litter control, prohibition of dumping, clean up of spills, grading/building permits, sewer connection ordinances, erosion prevention and sediment control practices, subdivision regulations or other land use/development ordinances.

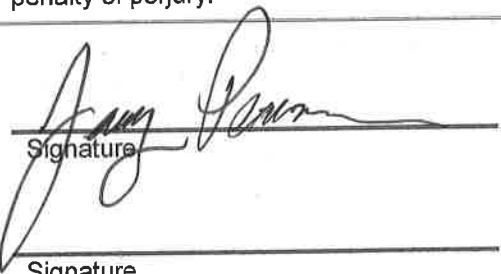
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PART IV - SIGNATURE OF RESPONSIBLE CORPORATE OFFICER

This Notice of Intent (NOI) must be signed as follows: For a municipality, state, federal, other public agency, and/or co-permittees by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes one of the following:

- I. The chief executive officer of the agency.
- II. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

I certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision. The submitted information is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury."

 _____ Signature	Chairman of the Carter County Planning Commission _____ Title/Municipality	30 January 2017 _____ Date
_____ Signature	_____ Title/Municipality	_____ Date
_____ Signature	_____ Title/Municipality	_____ Date
_____ Signature	_____ Title/Municipality	_____ Date
_____ Signature	_____ Title/Municipality	_____ Date
_____ Signature	_____ Title/Municipality	_____ Date

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PART V - YOUR PROPOSED STORMWATER QUALITY MANAGEMENT PROGRAM

This NOI requires you to provide a brief description of your current and proposed activities as well as your BMPs for a stormwater management program. The following sections correspond to the six minimum control measures for a Phase II stormwater management program. If another MS4 will be responsible for implementing any or all portions of any or all following six minimum measures, then attach either the interlocutory agreement or the proposed agreement and schedule for adoption. You must still complete this NOI by answering the relevant questions for the six following measures.

For purposes of this NOI, the Public Education and Outreach and Public Participation and Involvement minimum measures have been combined.

SECTION 1 - PUBLIC EDUCATION AND OUTREACH AND PUBLIC INVOLVEMENT/PARTICIPATION

A. Current Activities:

The following is a set of questions on your current Public Education and Outreach and Public Involvement/Participation. These questions are intended to highlight minimum program requirements under the MS4 permit. Each question with a "No" answer must be addressed with a solution in the MS4's proposed program.

1. Does the municipality currently distribute educational materials on the topics of stormwater quality, instream water quality, pollution impacts, pollution prevention, etc.? If yes, briefly describe the materials, including media used (e.g., written brochures, public service announcements, etc.); the topic(s) covered, intended target audience(s), and the distribution method: Written Brochures are at the Carter County Planning Office, along with other Storm Water related publications. Monthly meetings that are advertised in local paper. Citizens, Contractors, ETC.

Yes ☒ No ☐

2. Does the municipality currently conduct or participate in public outreach activities focusing on the topics of stormwater quality, stream water quality, pollution impacts, pollution prevention, etc.? If yes, briefly describe the outreach activities, topic(s) covered, intended target audience(s), and the frequency of activities: Assist in Household Hazardous waste collections and Stream Clean ups. Yearly. Citizens, Contractors, ETC.

Yes ☒ No ☐

3. Does the current municipal stormwater management program comply with Local, State and Federal public notice requirements? If yes, describe how the public is notified: Public Notices in Local Newspaper and notice are displayed at Carter County Planning Office.

Yes ☒ No ☐

B. Proposed Activities:

1. List the BMPs that you will implement in the areas of Public Education and Outreach and Public Participation and Involvement. These should be based on a set of priorities that you have identified in the areas of Public Education and Outreach and Public Participation and Involvement. Provide a short descriptive name to the BMP in the left column. In the right column, more fully describe the BMP.

For Public Participation and Involvement BMPs, you may not desire to dictate the ways in which the public participates or is involved in the stormwater quality management program; in this case, your proposed program should provide a forum and/or a structure which guides and encourages the public in participation. On the other hand, there may be specific ways you do want the public to be involved, based on your program needs. For instance, you may want stream watch groups to be organized. In both cases, your proposed program should describe how you will accomplish this, along with a time schedule.

PROPOSED BEST MANAGEMENT PRACTICES FOR PUBLIC EDUCATION AND PUBLIC PARTICIPATION		
BMP	Name	DESCRIPTION
1A.	P.I.E	Maintain current pollution reduction education for the citizens, and businesses within Carter County, so as to enlighten them on how daily activities impact the local water quality.
1B.	Community Stream Clean up	Encourage more citizen to help in stream clean up. Work on stronger Litter Resolutions and Property Maintenance Codes for Carter County.
1C.	Storm Water Web Page	Encourage Local Officials to sponsor Web Page concerning Storm Water Pollution Prevention.
1D.		

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If you have additional BMPs to list, include in a separate attachment.

2. What specific groups will be targeted (e.g., service industries such as carpet cleaning, lawn care, civic groups, schools, church groups) if applicable: Citizens, Contractors, Businesses, ETC.

C. Measurable Goals and Implementation Milestones:

Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

D. Administrative Information:

ADMINISTRATIVE INFORMATION FOR PUBLIC EDUCATION AND PUBLIC PARTICIPATION	
PRIMARY CONTACT	POSITION OR TITLE
Christopher Schuettler	Director, Carter County Planning and Zoning

Identify other Department(s) that will be involved and their role.

OTHER DEPARTMENT(S)	ROLE
N/A	

Identify if you will partner with another MS4 Operator, or with another institution (e.g. Chamber of Commerce, Environmental interest organizations, civic groups) in order to carry out the chosen BMPs.

ENTITY	BMP
N/A	

Will another governmental entity be responsible for implementing one or more chosen BMPs? If so, identify the entity and which BMP(s) it will implement. Include a copy of the interlocutory agreement, or contract, or proposed agreement with execution schedule.

ENTITY	BMP
N/A	

SECTION 2 - ILLICIT DISCHARGE DETECTION AND ELIMINATION

A. Current Activities

The following is a set of questions on your current Illicit Discharge Detection and Elimination Program. These questions are intended to highlight minimum program requirements under the MS4 permit. For MS4s who have not been previously covered under an MS4 permit, each element not currently performed must be implemented by the dates identified in Sub-part 4.1.1 of the permit. Thus, each question with a "No" answer must be addressed with a solution in the MS4's proposed program.

1. Does the municipality currently have a storm sewer system map that shows the location of system outfalls where the municipal storm sewer system discharges into receiving waters or conveyances owned or operated by another MS4? The map must also show: the names and location of waters that receive discharges from those outfalls; inputs into the storm sewer collection system, such as the inlets, catch basins, drop structures or other defined contributing points to the sewershed of that outfall; and general direction of stormwater flow.

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Yes ☒ No ☐

2. Does the municipality currently have an ordinance or regulatory mechanism that prohibits unauthorized non-stormwater discharges into the storm sewer system? If yes, attach a copy and give page and section number(s). If No, proceed to the next section (inspections and enforcement).

Yes ☒ No ☐ Page Number Res. 592 Paragraph Number 1x

3. Does the ordinance or regulatory mechanism clearly define non-stormwater discharges, either through a written description of a non-stormwater discharge or through a listing of authorized or unauthorized non-stormwater discharges?

Yes ☒ No ☐

4. Does the ordinance or regulatory mechanism allow right-of-entry on private property for inspection of suspected discharges?

Yes ☒ No ☐

5. Does the ordinance or regulatory mechanism prohibit dumping?

Yes ☒ No ☐

6. Does the ordinance or regulatory mechanism give the MS4 owner/operator the authority to eliminate unauthorized non-stormwater discharges in the event of violations? If yes, note page number and paragraph number.

Yes ☒ No ☐ Page Number Res. 583 Paragraph Number 2-3

7. Does the ordinance or regulatory mechanism define penalties for violations? If yes, note maximum penalty, page number and paragraph number.

Yes ☒ No ☐ Maximum Penalty Res. 576 Page Number N/A Paragraph Number N/A
\$5,000.00

8. Does the municipality presently have personnel and procedures in place to detect, identify and eliminate non-stormwater discharges? If yes, describe and indicate percentage of system inspected: If by complaint see attached SOPs. Possible non-storm water discharge areas that can be identified are to be checked annually. These are set out in Res. 583.

Yes ☒ No ☐

9. Does the municipality presently have procedures and personnel in place for enforcement of violations of the illicit discharge ordinance? If yes, describe: Defined in Res. 592.

Yes ☒ No ☐

10. Describe how enforcement actions are documented: Hard copied form and worked as per SOP

11. Has the municipality defined "hot spots" for non-stormwater discharge screening and inspection purposes? If yes, describe and provide a map of illicit discharge screening hot spots: Res. 583. No mapping at this time.

Yes ☒ No ☐

12. Does the municipality presently have procedures in place to receive and consider information and complaints about non-stormwater discharges that are submitted by the public? If yes, provide brief description: responsible departments, personnel, steps followed: Complaint is recieved at the Carter County Planning Office, documented as per SOP, and sets forth ERP.

Yes ☒ No ☐

B. Proposed Activities:

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1. List the BMPs that you will implement in the area of Illicit Discharge Detection and Elimination. These should be based on a set of priorities that you have identified in the area of Illicit Discharge Detection and Elimination. Provide a short descriptive name to the BMP in the left column and more description in the right column.

PROPOSED BEST MANAGEMENT PRACTICES FOR ILLICIT DISCHARGE DETECTION AND ELIMINATION		
BMP	Name	DESCRIPTION
2A.	Hot Spots	Resolution to control these areas of possible illicit discharges, to include mapping of areas.
2B.	Definitions non-storm water discharges	Set forth in Resolution form a clearer definition of non-storm water discharge, and sources.
2C.		
2D.		

If you have additional BMPs to list, include in a separate attachment.

2. What specific groups will be targeted, if applicable?

C. Measurable Goals and Implementation Milestones

Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

D. Administrative Information

ADMINISTRATIVE INFORMATION FOR ILLICIT DISCHARGE DETECTION AND ELIMINATION	
PRIMARY CONTACT	POSITION OR TITLE
Christopher Schuettler	Director, Carter County Planning and Zoning

Identify other Department(s) that will be involved and their role.

OTHER DEPARTMENT(S)	ROLE
N/A	

Identify if you will partner with another MS4 Operator, or with another institution (e.g. Chamber of Commerce, Environmental interest organizations, civic groups) in order to carry out the chosen BMPs.

ENTITY	BMP
N/A	

Will another governmental entity be responsible for implementing one or more chosen BMPs? If so, identify the entity and which BMP(s) it will implement. Include a copy of the interlocutory agreement, or contract, or proposed agreement with execution schedule.

ENTITY	BMP
N/A	

SECTION 3 - CONSTRUCTION SITE STORMWATER RUNOFF PROGRAM

A. Current Activities

The following is a set of questions on your current Construction Site Stormwater Runoff Program. These questions are intended to highlight minimum program requirements under the MS4 permit. For MS4s who have not been previously covered under an MS4 permit, each element not currently performed must be implemented by the dates identified in Sub-part 4.1.1 of the permit. Thus, each question with a "No" answer must be addressed with a solution in the MS4's proposed program.

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1. Do the current ordinances/regulations for the municipal stormwater management program comply with Local, State and Federal public notice requirements? If yes, describe how the public is notified: By Publication in local Newspaper.

Yes ☒ No ☐

2. Do you currently have an erosion prevention and sediment control - or similar - ordinance or regulatory mechanism? If yes, include a copy and reference the paragraph number(s). If No, proceed to the next set of questions below about construction site plans review.

Yes ☒ No ☐ Page Number Res. 592 Paragraph Number All

3. Does the ordinance or regulatory mechanism require that site operators implement erosion prevention, sediment control, and other construction waste controls for land disturbance activities?

Yes ☒ No ☐

4. Does the ordinance/regulatory mechanism require that controls be implemented for any land disturbances greater than or equal to one acre, or less than one acre if part of a large common plan of development or sale that would disturb one acre or more? If yes, note the page number and paragraph number where this is defined.

Yes ☒ No ☐ Page Number Res. 592 Paragraph Number 1d

5. Does the ordinance or regulatory mechanism contain or reference technical standards for erosion and sediment control? If yes, note the page number and paragraph number where this is defined. Res. 577, TDECs, TEandSCH current edition

Yes ☒ No ☐

6. Do those technical standards meet or exceed the current effective Tennessee Construction General Permit (TNR100000) requirements for design storm and special conditions for waterbodies with unavailable parameters or exceptional Tennessee waters?

Yes ☒ No ☐

7. Do those technical standards require that construction activities maintain temporary water quality riparian buffers during construction?

Yes ☒ No ☐

8. Does the municipality presently have in place a technical review process (i.e. engineering department, planning department, zoning board) that evaluates new development and redevelopment construction for construction site runoff?

Yes ☒ No ☐

9. Does the technical review process require an erosion prevention and sediment control plan with appropriate BMPs?

Yes ☒ No ☐

10. Does the review process include a requirement for pre-construction meeting between the municipality and site developer, for priority construction sites?

Yes ☒ No ☐

11. If there is a review process, provide a brief narrative or a flow chart of the process, describing the process steps, responsible personnel, and criteria used for evaluation of information or plans that are submitted: As per Res. 592

12. Does the municipality presently have procedures in place for receipt and consideration of information and complaints submitted by the public? If yes, provide a brief narrative of the receipt process and procedures, describing process steps, responsible departments, personnel (by title).

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Yes ☒ No ☐ As per SOPs

13. Does the municipality presently have personnel and procedures in place for construction site runoff inspection?

Yes ☒ No ☐

14. Does the program provide for pre-construction meeting and monthly inspection of priority construction activities?

Yes ☒ No ☐

15. Does the municipality presently have procedures and personnel in place for enforcement to the maximum extend for violations of construction site requirements?

Yes ☒ No ☐

16. Does the municipality use a Stop Work or similar order to enforce compliance with construction site policies and requirements?

Yes ☒ No ☐

17. How are enforcement actions documented? Hard copied and filed by name

18. Have MS4 inspectors who conduct inspections of construction sites received certification under the Tennessee Fundamentals of Erosion Prevention and Sediment Control, Level 1, and construction site plan reviewers a certificate of completion from the Tennessee Erosion Prevention and Sediment Control Design Course, Level 2?

Yes ☒ No ☐

B. Proposed Activities:

1. List the BMPs that you will implement in the area of Construction Site Runoff Program. These should be based on a set of priorities that you have identified in the area of Construction Site Runoff Program. Provide a short descriptive name to the BMP in the left column and more description in the right column.

PROPOSED BEST MANAGEMENT PRACTICES FOR CONSTRUCTION SITE RUNOFF PROGRAM		
BMP	Name	DESCRIPTION
3A.	Enforcement Action Documentation	Set forth to place Enforcement actions in a digital form
3B.	Inspectors	Strive to have all field personel Level 1 certified within 12 months of hire date.
3C.		
3D.		

If you have additional BMPs to list, include in a separate attachment.

2. Describe specific groups that will be targeted, if applicable: Contractors, Loggers,ETC

C. Measurable Goals and Implementation Milestones

Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

D. Administrative Information

ADMINISTRATIVE INFORMATION FOR CONSTRUCTION SITE RUNOFF PROGRAM	
PRIMARY CONTACT	POSITION OR TITLE
Christopher Schuettler	Director, Carter County Planning and Zoning

Identify other Department(s) that will be involved and their role.

OTHER DEPARTMENT(S)	ROLE

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N/A	

Identify if you will partner with another MS4 Operator, or with another institution (e.g. Chamber of Commerce, Environmental interest organizations, civic groups) in order to carry out the chosen BMPs.

ENTITY	BMP
N/A	

Will another governmental entity be responsible for implementing one or more chosen BMPs? If so, identify the entity and which BMP(s) it will implement. Include a copy of the interlocutory agreement, or contract, or proposed agreement with execution schedule.

ENTITY	BMP
N/A	

SECTION 4 - PERMANENT STORMWATER MANAGEMENT AT NEW DEVELOPMENT AND REDEVELOPMENT

A. Current Activities:

The following is a set of questions on your current Permanent Stormwater Management in New Development and Redevelopment Program. These questions are intended to highlight minimum program requirements under the MS4 permit. For MS4s who have not been previously covered under an MS4 permit, each element not currently performed must be implemented by the dates identified in Sub-part 4.1.1 of the permit. Thus, each question with a "No" answer must be addressed with a solution in the MS4's proposed program.

1. Does the municipality currently have in place mechanisms or strategies to address permanent stormwater runoff management from new development or redevelopment projects that result in land disturbance of one acre or more? For example, land use planning requirements, zoning directives, site-based pollutant removal controls; stormwater detention or storage; practices that infiltrate stormwater; vegetative practices.

Yes ☒ No ☐

If yes, provide a brief narrative of - and/or references to - the structural and non-structural strategies, describing strategies implemented, Best Management Practices allowed, technical guidance, responsible departments, and personnel (by title): Res. 578

2. Do you currently have an ordinance or regulatory mechanism that addresses permanent stormwater runoff management from new development and redevelopment projects? If yes, reference the page number and paragraph number. If no, proceed to the next section on permanent stormwater management plans review.

Yes ☒ No ☐ Page Number Res. 578 Paragraph Number 1p and 1m

3. Does the ordinance or regulatory mechanism require controls to treat pollutants in stormwater runoff? If yes, note page number and paragraph number.

Yes ☐ No ☒ Page Number _____ Paragraph Number _____

4. Does the ordinance or regulatory mechanism require (explicitly or implicitly) that controls be implemented for any new development or redevelopment projects greater than or equal to one acre, including projects less than one acre that are part of a large common plan of development or sale, that discharge into your small MS4? If yes, note page number and paragraph number.

Yes ☒ No ☐ Page Number Res.592 Paragraph Number 1d and 1e

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5. Does the ordinance or regulatory mechanism contain or reference technical standards for water quality controls? If yes, note page number and paragraph number.

Yes ☒ No ☐ Page Number Res. 592 Paragraph Number 1g sub13

6. Does the ordinance or regulatory mechanism clearly define the criteria for submittal -who must submit - of permanent stormwater management design information or plans? If yes, note page number and paragraph number.

Yes ☒ No ☐ Page Number Res. 592 Paragraph Number 1e

7. Does the ordinance or regulatory mechanism require approval prior to construction of permanent stormwater management controls? If yes, note page number and paragraph number.

Yes ☒ No ☐ Page Number Res. 592 Paragraph Number 1f,1g, and1h

8. Does the ordinance or regulatory mechanism require re-submittal of permanent stormwater management design information or plans if site plans change after the initial design has been approved? If yes, note page number and paragraph number.

Yes ☐ No ☒ Page Number _____ Paragraph Number _____

9. Does the ordinance or regulatory mechanism give the MS4 owner/operator the authority to penalize the owner of permanent stormwater management controls for violations? If yes, note page number and paragraph number.

Yes ☐ No ☒ Page Number _____ Paragraph Number _____

10. Does the ordinance or regulatory mechanism require that permanent stormwater management controls have adequate and long-term operation and maintenance? If yes, note page number and paragraph number. If no, describe how the MS4 owner/operator maintains permanent stormwater management controls: _____

Yes ☐ No ☒ Page Number _____ Paragraph Number _____

11. Does the ordinance or regulatory mechanism require establishment and maintenance of water quality riparian buffers in areas of new development and redevelopment?

Yes ☒ No ☐

12. Does the municipality presently have in place a technical review process (i.e. engineering department, planning department, zoning board) that evaluates new development and redevelopment with regard to the impact that permanent stormwater runoff will have on receiving streams?

Yes ☐ No ☒

If Yes, provide a brief narrative or a flow chart of the review process, describing the process steps, responsible personnel (by department, title and contact person), and criteria used for evaluation of information or plans that are submitted: _____

B. Proposed Activities:

List the BMPs that you will implement in the area of the Permanent Stormwater Management Plans Review. These should be based on a set of priorities that you have identified in the area of the Permanent Stormwater Management Plans Review. Provide a short descriptive name to the BMP in the left column and more description in the right column.

PROPOSED BEST MANAGEMENT PRACTICES FOR PERMANENT STORMWATER PLANS REVIEW		
BMP	Name	DESCRIPTION
4A.	Site Changes	Set forth in Resolution Form
4B.	Violations	Set forth in Resolution Form
4C.	Long Term Maintenance	Set forth in Resolution Form
4D.	Receiving Streams	Set forth in Resolution Form

Phase II Stormwater Permit Notice of Intent (NOI)
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If you have additional BMPs to list, include in a separate attachment.

Describe the specific groups that will be targeted, if applicable? Developers

C. Measurable Goals and Implementation Milestones:

Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

D. Administrative Information:

ADMINISTRATIVE INFORMATION FOR PERMANENT STORMWATER MANAGEMENT PLANS REVIEW	
PRIMARY CONTACT	POSITION OR TITLE
Christopher Schuettler	Director, Carter County Planning and Zoning

Identify other Department(s) that will be involved and their role.

OTHER DEPARTMENT(S)	ROLE
N/A	

Identify if you will partner with another MS4 Operator, or with another institution (e.g. Chamber of Commerce, Environmental interest organizations, civic groups) in order to carry out the chosen BMPs.

ENTITY	BMP
N/A	

Will another governmental entity be responsible for implementing one or more chosen BMPs? If so, identify the entity and which BMP(s) it will implement. Include a copy of the interlocutory agreement, or contract, or proposed agreement with execution schedule.

ENTITY	BMP
N/A	

SECTION 5 - POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

A. Current Activities:

The following is a set of questions on your current Pollution Prevention/Good Housekeeping for Municipal Operations Program. These questions are intended to highlight minimum program requirements under the MS4 permit. Each question with a "No" answer must be addressed with a solution in the MS4's proposed program.

1. Does the municipality's current Pollution Prevention/Good Housekeeping program provide annual training for employees responsible for municipal operations at facilities within the jurisdiction of the permittee that handle, generate and/or store materials which constitute a potential pollutant of concern for MS4s? Examples of these materials may include, but are not limited to, lubricants, fuels, sand, gravel, soil, salt, pesticide, fertilizer, garbage, trash, clippings, vehicles, equipment, and other wastes.

Yes ☐ No ☒

2. Are training activities documented? If yes, describe training and method of record-keeping: _____

Yes ☐ No ☒

Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)

3. Has the MS4 owner/operator obtained a Tennessee Multi-Sector General Permit or a no-exposure certification for all qualifying municipal industrial activities? If yes, give permit numbers or attach copies of the No-Exposure Certification form.

Yes ☐ No ☒ Permit Numbers(s) _____

4. List municipal operations or facilities that have a potential for contaminating stormwater runoff such as the following: streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations, snow disposal areas operated by the MS4, and waste disposal, storage, and transfer stations. If there is more than one facility for a given type of operation; give the number of such facilities. Indicate if an operation and maintenance plan, which includes maintenance activities, schedules and the proper disposal of waste from related structural and non-structural stormwater controls, has been implemented for each facility or operation.

FACILITY OR TYPE OF OPERATION	NUMBER OF FACILITIES	OPERATION AND MAINTENANCE PLAN IMPLEMENTED?
Carter County Solid Waste	3	Yes <input type="checkbox"/> No <input type="checkbox"/>
Carter County Highway Department	3	Yes <input type="checkbox"/> No <input type="checkbox"/>
Carter County School Department	2	Yes <input type="checkbox"/> No <input type="checkbox"/>
Carter County Sheriff Department	2	Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>

B. Proposed Activities:

List the BMPs that you will implement in the area of the Pollution Prevention and Good Housekeeping Program. These should be based on a set of priorities that you have identified in the area of the Pollution Prevention and Good Housekeeping Program. Provide a short descriptive name to the BMP in the left column and more description in the right column.

In addition to considering industrial-type operations, you must also consider municipal infrastructure, and related maintenance activities, maintenance schedules and long-term inspection procedures for structural controls and the proper disposal of waste from storm sewers/catch basins.

PROPOSED BEST MANAGEMENT PRACTICES FOR POLLUTION PREVENTION AND HOUSEKEEPING		
BMP	Name	DESCRIPTION
5A.	Pollution Prevention and Good housekeeping	Set forth by Resolution , Training and Education Plan, including documentation procedures
5B.	Operation and Maintenance Plans	
5C.		
5D.		

If you have additional BMPs to list, include in a separate attachment.

Provide specific groups that will be targeted, if applicable: Local Government Agencies

C. Measurable Goals and Implementation Milestones:

Attached at the end of this NOI is an addendum to list BMP Measurable Goals and Implementation Milestones. You must complete the addendum, providing more details on the goals and milestones for each BMP outlined in this NOI.

**Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)**

D. Administrative Information:

ADMINISTRATIVE INFORMATION FOR POLLUTION PREVENTION AND HOUSEKEEPING	
PRIMARY CONTACT	POSITION OR TITLE
Christopher Schuettler	Director, Carter County Planning and Zoning

Identify other Department(s) that will be involved and their role.

OTHER DEPARTMENT(S)	ROLE
N/A	

Identify if you will partner with another MS4 Operator, or with another institution (e.g. Chamber of Commerce, Environmental interest organizations, civic groups) in order to carry out the chosen BMPs.

ENTITY	BMP
N/A	

Will another governmental entity be responsible for implementing one or more chosen BMPs? If so, identify the entity and which BMP(s) it will implement. Include a copy of the interlocutory agreement, or contract, or proposed agreement with execution schedule.

ENTITY	BMP
N/A	

Phase II Stormwater Permit Notice of Intent (NOI)
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ADDENDUM TO SMALL MS4 NPDES PERMIT NOI - BMPs MEASURABLE GOALS AND MILESTONES

The purpose of this addendum is to record the measurable goals for each BMP, and the dates (month and year) by which interim actions are to be accomplished. Space is given for four BMPs for each of the six minimum measures. If necessary, attach additional BMP MEASURABLE GOALS AND MILESTONES as a separate attachment.

Measurable goals are BMP design objectives, or goals that will quantify the progress of implementing the actions or performance of a BMP. They are ways to measure activities or effects of a BMP. For each of the six minimum measures and for each BMP, define the measurable goal you will use to monitor effectiveness of this BMP. The BMPs you list here should match exactly those given in Part V., 1-5 of this NOI. For purposes of this NOI, the Public Education and Outreach and Public Involvement/Participation minimum measures have been combined.

For each BMP, establish milestones for implementation. These tables are set up for once/year milestones. You may change the milestone dates to time frames less than one year.

BEST MANAGEMENT PRACTICES FOR PUBLIC EDUCATION AND PUBLIC PARTICIPATION	
BMP 1A	MEASURABLE GOALS AND MILESTONES
Goal(s)	Revise Public Involvement and Education Plan into a more documented program by Year 2
Milestone Year 1	Continue to assist in Stream Clean ups and other waste collection events. Revise PIE
Milestone Year 2	Continue, and Implement revised PIE
Milestone Year 3	Continue
Milestone Year 4	Continue
Milestone Year 5	Continue
BMP 1B	MEASURABLE GOALS AND MILESTONES
Goal(s)	Maintain Public Participation In Carter Countys Storm Water Program
Milestone Year 1	Continue
Milestone Year 2	Continue
Milestone Year 3	Continue
Milestone Year 4	Continue
Milestone Year 5	Continue
BMP 1C	MEASURABLE GOALS AND MILESTONES
Goal(s)	Setup Carter County Storm Water Web Page
Milestone Year 1	Set web page with Resolutions, useful information
Milestone Year 2	Continue to update and add information
Milestone Year 3	Continue
Milestone Year 4	Continue
Milestone Year 5	Continue
BMP 1D	MEASURABLE GOALS AND MILESTONES
Goal(s)	
Milestone Year 1	
Milestone Year 2	
Milestone Year 3	
Milestone Year 4	
Milestone Year 5	
BEST MANAGEMENT PRACTICES FOR ILLICIT DISCHARGE DETECTION AND ELIMINATION	
BMP 2A	MEASURABLE GOALS AND MILESTONES
Goal(s)	Continue to update and maintain Carter Countys Storm Drain and Outfall map
Milestone Year 1	Review and update as nessessary
Milestone Year 2	Continue
Milestone Year 3	Continue
Milestone Year 4	Continue

Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)

Milestone Year 5	Continue
BMP 2B	MEASURABLE GOALS AND MILESTONES
Goal(s)	Hot Spot Mapping
Milestone Year 1	25% Mapped
Milestone Year 2	50% Mapped
Milestone Year 3	75% Mapped
Milestone Year 4	100% Mapped
Milestone Year 5	Continue to maintain and update

BMP 2C	MEASURABLE GOALS AND MILESTONES
Goal(s)	
Milestone Year 1	
Milestone Year 2	
Milestone Year 3	
Milestone Year 4	
Milestone Year 5	

BMP 2D	MEASURABLE GOALS AND MILESTONES
Goal(s)	
Milestone Year 1	
Milestone Year 2	
Milestone Year 3	
Milestone Year 4	
Milestone Year 5	

BEST MANAGEMENT PRACTICES FOR CONSTRUCTION SITE RUNOFF PROGRAM	
BMP 3A	MEASURABLE GOALS AND MILESTONES
Goal(s)	Field Personnell Training
Milestone Year 1	Have all field personell Level 1 Certified
Milestone Year 2	Have one additional person Level 2 Certified
Milestone Year 3	Maintain
Milestone Year 4	Maintain
Milestone Year 5	Maintain

BMP 3B	MEASURABLE GOALS AND MILESTONES
Goal(s)	
Milestone Year 1	
Milestone Year 2	
Milestone Year 3	
Milestone Year 4	
Milestone Year 5	

BMP 3C	MEASURABLE GOALS AND MILESTONES
Goal(s)	
Milestone Year 1	
Milestone Year 2	
Milestone Year 3	
Milestone Year 4	
Milestone Year 5	

BMP 3D	MEASURABLE GOALS AND MILESTONES
Goal(s)	
Milestone Year 1	
Milestone Year 2	
Milestone Year 3	

**Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)**

Milestone Year 4	
Milestone Year 5	

BEST MANAGEMENT PRACTICES FOR PERMANENT (POST-CONSTRUCTION) STORMWATER MANAGEMENT PROGRAM

BMP 4A	MEASURABLE GOALS AND MILESTONES
Goal(s)	Resolution updates
Milestone Year 1	Update Resolution to include Site Changes, Violations, clarification of long term maintenance.
Milestone Year 2	Maintain
Milestone Year 3	Maintain
Milestone Year 4	Maintain
Milestone Year 5	Maintain

BMP 4B	MEASURABLE GOALS AND MILESTONES
Goal(s)	Develop Technical Review Process for Receiving Streams
Milestone Year 1	Seek technical advice through EFO
Milestone Year 2	Compose and formulate plan to include Public Input
Milestone Year 3	Adopt plan and revise as needed
Milestone Year 4	Maintain
Milestone Year 5	Maintain

BMP 4C	MEASURABLE GOALS AND MILESTONES
Goal(s)	
Milestone Year 1	
Milestone Year 2	
Milestone Year 3	
Milestone Year 4	
Milestone Year 5	

BMP 4D	MEASURABLE GOALS AND MILESTONES
Goal(s)	
Milestone Year 1	
Milestone Year 2	
Milestone Year 3	
Milestone Year 4	
Milestone Year 5	

BEST MANAGEMENT PRACTICES FOR MUNICIPAL POLLUTION PREVENTION AND GOOD HOUSEKEEPING

BMP 5A	MEASURABLE GOALS AND MILESTONES
Goal(s)	Conduct Personnel Training on Good Housekeeping
Milestone Year 1	Develop Resolution for Carter County to adopt,
Milestone Year 2	Adopt Resolution
Milestone Year 3	Maintain and revise as needed
Milestone Year 4	Maintain and revise as needed
Milestone Year 5	Maintain and revise as needed

BMP 5B	MEASURABLE GOALS AND MILESTONES
Goal(s)	Have each Facility adopt a Operation and Maintenance Plan
Milestone Year 1	Establish O&M Plan Guidelines, and distribute to Facility Managers with date of completion
Milestone Year 2	Request O&M Plans from each Facility Manager for review
Milestone Year 3	Inspect each Facility for compliance to their plan
Milestone Year 4	Continue
Milestone Year 5	Continue

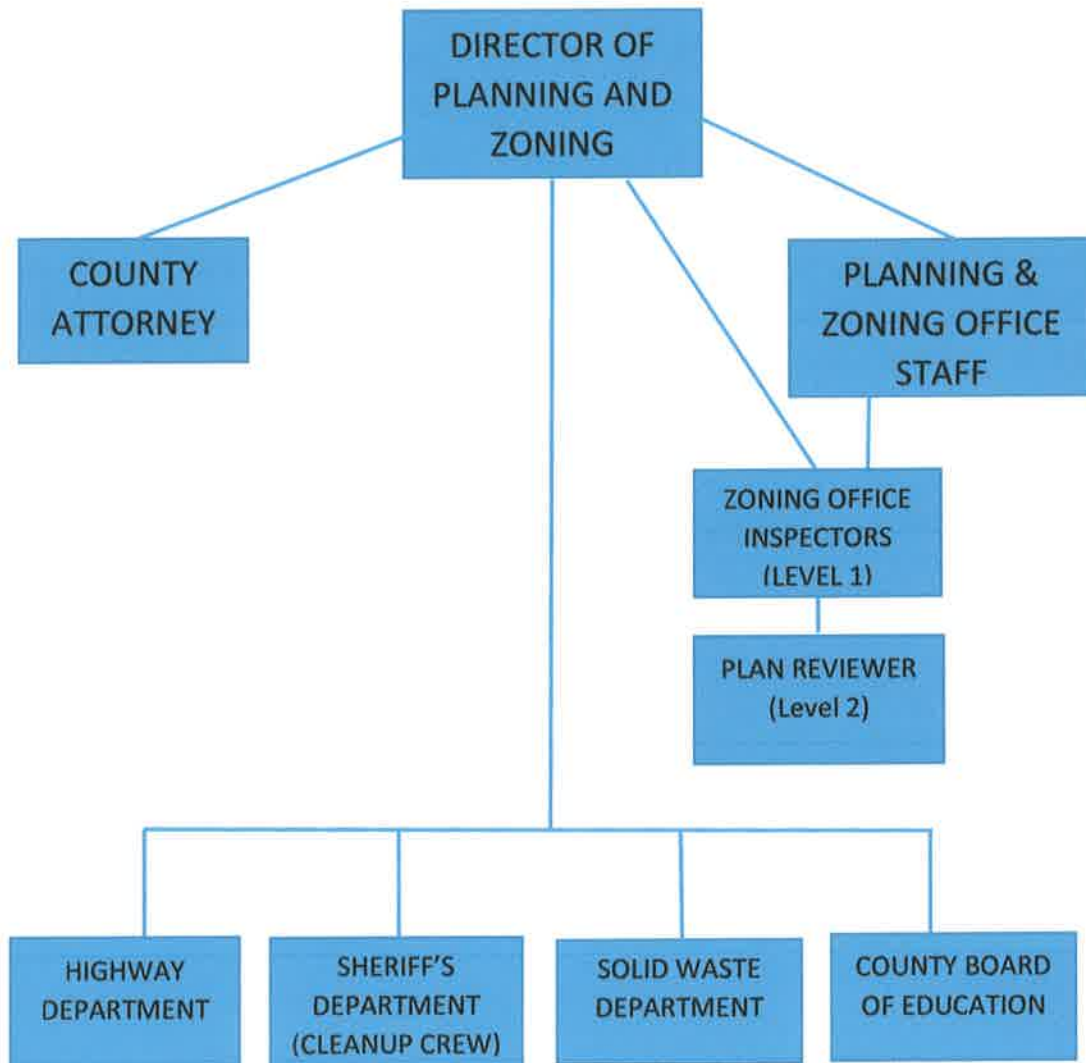
BMP 5C	MEASURABLE GOALS AND MILESTONES
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Phase II Stormwater Permit Notice of Intent (NOI)
Phase II Municipal Separate Storm Sewer Systems (MS4)

Goal(s)	
Milestone Year 1	
Milestone Year 2	
Milestone Year 3	
Milestone Year 4	
Milestone Year 5	
BMP 5D	MEASURABLE GOALS AND MILESTONES
Goal(s)	
Milestone Year 1	
Milestone Year 2	
Milestone Year 3	
Milestone Year 4	
Milestone Year 5	

STORMWATER PROGRAM ORGANIZATIONAL CHART

CARTER COUNTY, TENNESSEE



Resolution

583

**Storm Water
Resolution**

BEFORE THE COUNTY COMMISSION
OF CARTER COUNTY, TENNESSEE
REGULAR MEETING, FEBRUARY 19th, 2013
RESOLUTION NO. 583

**"RESOLUTION FOR AMENDING THE STORM WATER RESOLUTION OF
CARTER COUNTY, TENNESSEE"**

WHEREAS, Carter County has adopted a Storm Water Resolution for Carter County, Tennessee; and

WHEREAS, the Carter County Commission realizes that the Storm Water Resolution must be amended periodically to remain in compliance with applicable Tennessee state statutes; and

WHEREAS, the Tennessee Department of Environment and Conservation is the state agency charged with the authority to promulgate rules and regulations pertaining to storm water compliance.

WHEREAS, in order to fully comply with the requirements of the State of Tennessee Department of Environment and Conservation, Carter County must periodically amend the current Storm Water Resolution; and

WHEREAS, the Tennessee Department of Environment and Conservation has indicated that the current Carter County Storm Water Resolution requires the addition of several provisions to remain in compliance with the current requirements; and

WHEREAS, a proposal has been made to amend the current Storm Water Resolution in order to fully comply with the requirements of the State of Tennessee Department of Environment and Conservation; and

WHEREAS, the Carter County Regional Planning Commission did study this proposal on November 27, 2012 and recommended that the Carter County Commission amend the Storm Water Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the County Commission of Carter County, Tennessee, meeting in regular session at Elizabethton, Tennessee, on this 19th day of February, 2013, with a lawful quorum of said Commission being present and with a majority of said Commission voting in the affirmative, that the Carter County Storm Water Resolution is hereby amended as follows:

1. Two additional definitions shall be added to the Definitions section of the current Storm Water Resolution as follows:

"(12) Covenants for permanent maintenance of water quality facilities and best management practices: A legal document executed by the property owner, or a homeowners' association as owner of record, and recorded with the Register of Deeds in Carter County, Tennessee, which guarantees perpetual and proper maintenance of water quality management facilities and best management practices."

"(13) Hotspot: An area where the land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water."

2. A new section shall be added to the current Storm Water Resolution which shall read as follows:

"Illicit Discharges.

- (1) Applicability. This section shall apply to any discharge entering the municipal separate storm sewer system that is not composed entirely of storm water.
- (2) Prohibition of illicit discharges.

human health or the environment, the site will no longer be considered a potentially hazardous location.

(B) The following properties may also be designated by the County Commission as potentially hazardous locations:

- (1) Existing and abandoned solid waste disposal sites;
- (2) Hazardous waste treatment, storage, or disposal facilities, all as defined by the Federal Solid Waste Disposal Act, 42 USC 6901, et seq.

- (3) Sites in which historical knowledge of land use or known past land use activity on the site requires designation as a potentially hazardous location. When the owner provides evidence satisfactory to the County Commission that contaminants do not pose a present or potential threat to human health or the environment, the site will no longer be considered a potentially hazardous location.

- (vi) Other producers of pollutants identified by the County Commission as a pollutant hotspot using information provided to or collected by the County Commission or their authorized representatives, or reasonably deduced or estimated by the County Commission or their authorized representatives from engineering or scientific study.

(b) A special pollution abatement plan may be required for land uses or activities that are not identified by this chapter as hotspot land uses, but are deemed by the County Commission to have the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water.

(c) The special pollution abatement plan shall be submitted as part of the water quality management plan, and the BMPs submitted on the plan shall be subject to all other provisions of this chapter. Technical requirements for the plan shall be based on the provisions and guidelines set forth in the Tennessee Department of Environment and Conservation water quality BMP manual.

(d) Best management practices specified in the special pollution abatement plan must be appropriate for the pollutants targeted at the site and must be approved with the water quality management plan as specified by the Environmental Protection Agency and/or the Tennessee Department of Environment and Conservation.

(e) A special pollution abatement plan will be valid for a period of five (5) years, at which point it must be renewed. At the time of renewal, any deficiency in the pollutant management method must be corrected.

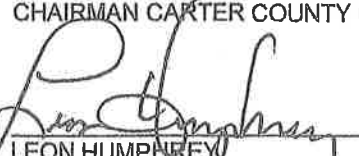
BE IT FURTHER RESOLVED, this amendment shall be effective from and after its adoption, the welfare of the county demanding.

Adopted this 19th day of February, 2013.

CARTER COUNTY, TENNESSEE

APPROVED:

By: 
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

By: 
LEON HUMPHREY
CARTER COUNTY MAYOR

**Resolution
354**

Stormwater Resolution

Chris Schuettler, Director of Planning, presented the Commissioners with the following Stormwater Resolution No. 354 to reduce pollution by establishing stormwater, grading, vegetation, erosion and sedimentation control measures. Motion was made by Chuck Culler, seconded by Al Meehan to authorize Mr. Schuettler to write a notice of intent due by March 10, 2003, in order for the County to be in compliance with Phase II of the Stormwater Ordinance. Mr. Culler amended his motion to state that enforcement would be deferred until a "fee schedule" and administrative procedures were considered and approved. Roll call vote as follows:

AYES: Wayne Holtsclaw, Amos Stevens, Al Meehan, Jim Whaley, Joe Woods, Jerry Pearman, Chuck Culler, Yogi Bowers, Jo Ann Blankenship, John Snyder, Lynn Tipton, Jeff Treadway, Bill Armstrong, Robert Davis and Roy Merryman

NAYS: Doug Buckles, Jack Buckles, Lawrence Hodge, Terry Montgomery and John Lewis

PASSING: 0

ABSENT: Phillip Nave, Dickie Renfro and Richard Tester

There being 15 ayes, 5 nays, 0 passing and 3 absent motion duly carried this February 24, 2003.

Stormwater Resolution No. 354

AN RESOLUTION TO REDUCE POLLUTION BY ESTABLISHING STORMWATER, GRADING, VEGETATION, EROSION AND SEDIMENTATION CONTROL MEASURES

WHEREAS, uncontrolled stormwater drainage and discharge have a significant, adverse impact on the health, safety, and general welfare of the residents of Carter County, Tennessee, and an adverse impact on the natural environment by carrying pollutants in to the receiving waters within the community; and

WHEREAS, Carter County, Tennessee is required by federal law; particularly 33 U.S. c. 1342(p) and 40 CFR 122.26, to obtain a Natural Pollutant Discharge Elimination System (NPDES) permit through the Tennessee Department of Environment and Conservation (TDEC), to reduce stormwater flows and associated pollutants discharged into waterways through Carter County Stormwater system and drainage ways; and

WHEREAS, the NPDES permit requires the County to impose controls on future and existing development necessary to reduce the discharge of pollutants in stormwater to the maximum reasonable extent using management practices, control techniques and system design and engineering methods, and such other provisions which are determined to be appropriate for the control of such pollutants, then

NOW, THEREFORE, BE IT RESOLVED by the Carter County Board of Commissioners as follows:

STORMWATER MANAGEMENT, EROSION AND SEDIMENTATION CONTROL

Short title
Purpose
Definitions
Regulated land disturbing activities
Permit required for any land disturbing activity
Grading, vegetation, drainage, and erosion and sedimentation control plans required
Plan requirements
Plan must contain measures to meet approved standards
Permit application
Plan development at owner/developer's expense
Plan submitted to Director of Planning and Zoning
Plan reviewed within sixty (60) days
Grading permits and bond
Director of Planning and Zoning and/or Agent may require additional protective measures
Retention facilities and drainage structures maintained
Improperly maintained retention facilities and drainage structures a violation
County may take ownership of retention facilities and drainage structures
Technical assistance
Director of Planning and Zoning and/or Agent responsible for providing safeguards in projects less than one acre or utilizing less than three (3) lots
Grading permit also required for any project on less than one acre involving grading, filling, or excavating
Existing developed properties with drainage, erosion and sediment concerns
Improvements required in existing developments normally at owner's expense
County may take responsibility for existing retention facilities and drainage structures
Improvements needed at existing locations determined by the Director of Planning and Zoning and/or Agent
Improvements required with existing development subject to appeal
Monitoring, reports, and inspections
Certificate of Occupancy not issued until approvals
Plan construction acceptance and bond release
Appeal of administrative action
Town clean-up resulting from violations at Developer's/ Owner's expense
Penalties; Enforcement
Severability

Short Title. This Chapter shall be known as the "Stormwater Management, Erosion and Sedimentation Control Resolution for Carter County, Tennessee."

Purpose. The purpose of this resolution is to conserve the land, water and other natural resources of the Carter County; and promote the public health and welfare of the people by establishing requirements for the control of stormwater, erosion and sedimentation and by establishing procedures whereby these requirements shall be administered and enforced; and to diminish threats to public safety from degrading water quality caused by the run-off of excessive stormwater and associated pollutants, to reduce flooding and the hydraulic overloading of the county's Stormwater system; and to reduce the economic loss to individuals and the community at large.

Definitions. For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (1) **Best Management Practices (BMP's):** A schedule of activities, prohibitions of practices, design, construction and maintenance procedures, and other management practices to prevent the pollution of stormwater runoff. (Specifically defined in TDEC's, Tennessee Erosion and Sediment Control Handbook, dated March 2002)
- (2) **Development:** Any activity on one acre or more or on three lots or more that involves making changes to the land contour by grading, filling, excavating removal, or destruction of topsoil, trees, or vegetative covering.
- (3) **Denuded Area:** Areas disturbed by grading, filling, or other such activity in which all vegetation has been removed and soil is exposed directly to the elements allowing for the possibility of erosion and stormwater and sediment run-off.
- (4) **Developer:** Any person, owner, individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.
- (5) **Drainage:** A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping; commonly applied to surface water.
- (6) **Drainage and Sedimentation Control Plan:** For the purpose of this Chapter, a Drainage and Sedimentation Control Plan refers to a formal written document addressing grading, vegetation, drainage, and stormwater flows, erosion and sedimentation controls. That is reviewed by the Director of Planning and Zoning and/or Agent, with the technical assistance of the Carter County Soil Conservationist and Extension Agents, reviewed by the Carter County Planning Commission, and if approved by the Planning Commission, is used as the basis for the Director of Planning and Zoning and/or Agent to issue a grading permit that allows land disturbing activity to proceed.
- (7) **Drainage Ways and Local Waters:** Any and all streams, creeks, branches, ponds, reservoirs, springs, wetlands, sinkholes, wells, drainage ways and wet weather ditches, or other bodies of surface or subsurface water, natural or artificial including Carter County's

Stormwater system, lying within the boundaries of the Carter County, or the area under the regulatory responsibility of the Carter County Planning Commission.

- (8) Erosion: The general process whereby soils are moved by flowing surface or subsurface water.
- (9) Grading Permit: The permit that must be issued by the Director of Planning and Zoning and/or Agent, before any land disturbing activity is undertaken by a developer, or when grading, filling, or excavating is proposed on a project.
- (10) Land Disturbing Activity: Means any activity which may result in soil erosion from water or wind and the movement of sediments into drainage ways, or local water, including, but not limited to, clearing, grading, excavating, transportation and filling of land, except that the term shall not include:
 - (a) such minor land disturbing activities as home and gardens and individual home landscaping, repairs and maintenance work.
 - (b) construction, installation or maintenance of individual service connections, or septic lines and drainage fields. Utility line construction of 1.5 miles for a five-(5) foot wide disturbed area will require a permit. If Carter County is the permittee, the permit will be obtained from the Tennessee Department of Environment and Conservation.
 - (c) preparation for single family residences separately built, unless in conjunction with multiple [three (3) or more] adjacent construction sites in subdivision developments.
 - (d) Emergency work to protect life, limb or property.
- (11) Director: Director of Planning and Zoning for Carter County, an agent of the Carter County Planning Commission.

Regulated land-disturbing activities.

- (1) It shall be unlawful for any person to engage in any land disturbing activity on any commercial development, or any development, construction, or renovation activity involving at least one acre or three (3) adjacent lots or more without submitting and obtaining approval of a Drainage and Sedimentation Plan and being issued a Grading Permit by the Director.
- (2) Any person who owns, occupies and operates private agriculture or forest lands shall not be deemed to be in violation of this ordinance of land disturbing activities which result from the normal functioning of these lands, however, the Director has the authority to require "BMP's" erosion and sedimentation control measures if pollution and run-off problems are evident.
- (3) Any State or Federal agency not under the regulatory authority of the Carter County for storm water management, erosion and sedimentation control.

Permit required for any land disturbing activity. Any land disturbing activity, as defined, shall require a Grading Permit, in addition to any Building Permit that must be issued by the Director of Planning and Zoning prior to the commencement of any work. The Director of Planning and Zoning only upon the Developer meeting requirements outlined will issue grading Permits for land disturbing activities. To include obtaining approval of a Drainage and Sedimentation Control Plan by the Carter County Planning Commission and/or Agent.

Grading, vegetation, drainage, and erosion and sedimentation control plans required. A grading, vegetation, drainage, and erosion and sedimentation control plan shall be required for all developments, subdivisions, or construction activities involving one (1) or more acres, or three subdivision lots, or construction activities involving one (1) or more acres, or three subdivisions lots, or construction activities involving one (1) or more acres, or three (3) adjacent lots or more, except as exempted in this Resolution. A Drainage and Sedimentation Control Plan or BMP shall be required for all commercial construction or renovation, or any multi family residential facility involving three (3) or more units. If necessary to protect the health and safety of the people, the Director and/or Planning Commission may, at its discretion, require a Drainage and Sedimentation Control Plan for any development or renovation under one (1) acre, or subdivision with less than three (3) adjacent lots, or multi-family residential development under three (3) units.

Plan requirements. The Drainage and Sediment Control Plan shall be prepared and designed and certified by an engineer and/or surveyor licensed in the State of Tennessee. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and the potential for off-site damage. The plan shall include at least the following:

- (1) Project Description – Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.
- (2) Contour intervals of five (5) or less showing present conditions and proposed contours resulting from land disturbing activity.
- (3) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.
- (4) Existing land cover.
- (5) Approximate limits of proposed clearing, grading and filling.
- (6) Amount of approximate flows of existing stormwater leaving any portion of the site and where Stormwater leaves the site. The appropriate calculations for making this determination shall be shown in the drainage plan.
- (7) Description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.
- (8) Location, size and layout of proposed stormwater and sedimentation control improvements.
- (9) Proposed drainage network.
- (10) Proposed drain tile or waterway sizes.
- (11) Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The hydraulic calculations necessary to ensure adequately sized Stormwater management structures and BMPs used must also be included.
- (12) The projected sequence of work represented by the grading, drainage and erosion and sedimentation control plans as related to other major items of construction.
- (13) Specific remediation measures to prevent erosion and sedimentation run-off, and to meet approved standards as outlined in this Resolution. Plans shall include detailed drawings

for all control measures used; stabilization measures including vegetation and non-vegetative measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

- (14) Specific details for the construction of the entrance to the site for controlling erosion and road access points and for eliminating or keeping mud, sediment, and debris on Carter County streets and public ways at a level acceptable to the Director. Mud, sediment, and debris brought onto streets and public ways must be removed by the end of the day by machine, broom or shovel to the satisfaction of the Director and/or Carter County Law Enforcement Officer. Failure to remove said sediment, mud or debris shall be deemed a violation of this ordinance.
- (15) Proposed structures: location (to the extent possible) and identification of any proposed additional building, structures or development on the site.

Plan must contain measures to meet approved standards. The Drainage and Sedimentation Control Plan shall contain measures that will ensure development, construction or site work will meet or exceed the following standards:

- (1) The development fits within the topography and soil conditions in a manner that allows stormwater and erosion and sedimentation control measures to be implemented in a manner satisfactory to the Carter County Planning Commission. Development shall be accomplished so as to minimize adverse effects upon the natural or existing topography and soil conditions and to minimize the potential for erosion.
- (2) Plans for development and construction shall minimize cut and fill operations. Construction and development plans calling for excessive cutting and filling may be refused a permit by the Carter County Planning Commission if it is determined that the land use permitted by the applicable zoning district could be supported with less alteration of the natural terrain.
- (3) During development and construction, adequate protective measures shall be provided to minimize damage from surface water to the cut face of excavations or the sloping surfaces of fills. Fills shall not encroach upon natural water courses, their flood plains, or constructed channels in a manner so as to adversely affect other properties.
- (4) Pre-construction vegetation ground cover shall not be removed, destroyed, or disturbed more than twenty (20) days prior to grading or earth moving. No work shall occur until perimeter sedimentation and erosion control devices are in place to the Director's satisfaction.
- (5) Developers shall be responsible upon completion of land disturbing activities to leave slopes and developed or graded areas so that they will not erode. Such methods include, but are not limited to: re-vegetation, mulching, rip-rapping or gunniting, and retaining walls. Bank cuts and grades should not exceed a 2 to 1 slope without use of a retaining wall and must be properly covered with mulch and vegetation. ~~Regardless of the method used, the objective is to leave the site as erosion and maintenance-free as is practical.~~
- (6) Provisions are to be implemented that accommodate any increase in stormwater run-off generated by the development in a manner in which the existing levels of run-off are not increased during and following development and construction. Hydraulic calculations necessary to make accurate determinations will be based at a minimum on a two (2) year storm event. The Planning Commission may require designs based on larger storm events on a case-by-case basis. A combination of storage and controlled release of stormwater run-off shall be required for all development and construction.

- (7) Discharges from sedimentation basins or traps must be through piping, liners, rip-rap or properly grassed channels so that the discharge does not cause erosion.
- (8) All grading, vegetation, drainage, stormwater, erosion and sedimentation control mitigation measures shall conform to any or all Best Management Practices approved and revised periodically by the Carter County Planning Commission.
- (9) Sedimentation basins (debris basins, desalting basins, or silt traps) and other drainage and sedimentation control measures shall be installed in conjunction with initial work and must be in place and functional prior to the initial grading operations. These measures must be maintained throughout the development process. Sediment basins and/or silt traps may be temporary, but shall not be removed without the approval of Director of Planning and Zoning.
- (10) Damage to vegetation on stream banks or waterways (those not regulated in other chapters of this code) shall be minimized within five feet of each bank, except as necessary for the installation of utilities, development of roads, or construction of retention ponds and related drainage improvements.
- (11) Land shall be developed to the extent possible in increments of workable size that can be completed in a single construction season. Erosion and sedimentation control measures shall be coordinated with the sequence of grading development and construction operations. Control measures such as berms, interceptor ditches, terraces, and sediment and silt traps shall be put into effect prior to any other stage of development.
- (12) The permanent vegetation shall be installed on the construction site as soon as utilities are in place and final grades are achieved. However, without prior approval of an alternate plan by the Carter County Planning Commission, permanent or temporary soil stabilization must be applied to disturbed areas within seven (7) days from substantial completion of grading and where disturbed areas will remain unfinished for more than thirty (30) calendar days.
- (13) Retention facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In lieu thereof, these structures shall have planted trees and vegetation such as shrubs and permanent ground cover on their borders. Plant varieties shall be those sustainable in a drainage way environment or as may be outlined in Best Management Practices. Woody material, such as trees, shall be kept from encroaching on the dam. Utilities shall not be constructed through the Stormwater control device and must be accessible without disturbing the device.
- (14) In many situations, retention facilities and drainage structures need to be fenced in order to protect public safety. The Carter County Planning Commission may require fencing for any basin or structure. When the Planning Commission requires fencing, the following specifications apply. Alternate fencing plans may be considered when requested by the developer, residents, or if the Planning Commission feels some other form of fencing is more appropriate for the site.
- (a) A minimum height of six (6) feet.
 - (b) Line Post must be 1 7/8" diameter, 16 guage.
 - (c) Fence must be chained link of a minimum of 9 guage, or approved alternative.
 - (d) A lockable access gate of a minimum width of 12 feet must be provided to allow access by equipment and machinery as needed for maintenance.

(15) Drainage and Sedimentation Control Plans must meet minimum requirements established in *Tennessee Code Annotated* as follows:

- (1) Name of applicant
- (2) Business or residence address of applicant.
- (3) Name and address of owners of property involved in activity.
- (4) Address and legal description of property, and names of adjoining property owners.
- (5) Name(s) and address(es) of contractor(s), if different from applicant, and any subcontractor(s) who shall undertake the land disturbing activity and who shall implement the Drainage and Sedimentation Control Plan.
- (6) A brief description of the nature, extent, and purpose of the land disturbing activity.
- (7) Proposed schedule for starting and completing project.

Plan development at Developer's expense. Unless specifically approved by the Carter County Commission, all Drainage and Sedimentation Control Plans shall be developed and presented at the expense of the owner/developer.

Plan submitted to the Director. Six (6) copies of the Drainage and Sedimentation Control Plan shall be submitted directly to the Director at least thirty (30) days prior to consideration. Any insufficiencies, violations noted or comments will be directed back to the Applicant/Developer. The Plan will then be revised as required prior to being presented to the Carter County Planning Commission.

Final plan reviewed within sixty (60) days. The Carter County Planning Commission shall review Drainage and Sedimentation Control Plans as quickly as possible while still allowing for a thorough evaluation of the problems and mitigation measures identified and addressed. However, under no circumstances shall the Planning Commission take more than sixty (60) days to approve or disapprove the final plan submittal.

Grading permits and Line of Credit. Following approval of the Drainage and Sedimentation Control Plan by the Planning Commission, a grading permit shall be obtained from the Director. No grading permit shall be issued until a *Line of Credit* is posted in the amount determined to be reasonable by the Planning Commission. The *Line of Credit* may not be higher than an amount equal to the estimated cost of the improvements, and said *Line of Credit* shall only be released by the Director following completion of construction and acceptance of the grading, vegetation, drainage, and erosion and sedimentation control measures. The *Line of Credit* shall be made out to the Carter County Planning Commission and if issued in conjunction with a subdivision plan, shall include the cost of paving, landscaping, and utilities including street lights. If it appears that the Drainage and Sedimentation Plan activities approved by the Carter County Planning Commission will not be implemented within a twelve (12) month period, the Carter County Planning Commission, at its discretion after the Notice of Non Compliance has been properly issued as outlined in this Resolution and the Developer has failed to comply, may cash said *Line of Credit* to complete all of the improvements approved or any portion of the Drainage and Sedimentation Control Plan activities it deems necessary to protect the health and safety of residents and to protect the quality of local waters. Upon the posting of the *Line of Credit*, the Developer must sign and have notarized and approved a certification granting permission for any Drainage and Sedimentation Control Plan activities, and any landscaping, paving and utility improvements also approved, to be made on the property in case of default.

Director and/or Agent may require additional protective measures. The Director and/or Agent have the authority at their discretion to require ground cover or other remediation measures preventing stormwater, erosion and sediment run-off, if either determines after construction begins that the plan and/or implementation schedule approved by the Planning Commission does not adequately provide the protection intended in the Resolution and in the approval issued by the Commission. Additional protective measures required by the Director that fall under the authority of the Planning Commission are subject to appeal under the procedures outlined in this Resolution.

Retention/Detention facilities and drainage structures maintained. All on-site retention basins and drainage structures shall be properly maintained by the owner/developer during all phases of construction and development so that they do not become a nuisance. Nuisance conditions shall include improper storage resulting in uncontrolled run-off and overflow; stagnant water with concomitant algae growth, insect breeding, and odors; discarded debris; and safety hazards created by the facilities operation. The Carter County Planning Commission has the responsibility to see that the retention basin is properly maintained and operational. The Developer shall provide the necessary permanent easements to provide county personnel access to the retention facilities and drainage structures for periodic inspection. A right-of-way to conduct such inspections shall be expressly reserved in the permit.

Improperly maintained retention/detention facilities and drainage structures a violation. The Director and/or Agent shall periodically monitor and inspect the care, maintenance and operation of retention facilities and drainage structures during and after construction and development. Facilities found to be a nuisance, and are in violation of this Resolution will be subject to fines of \$50.00 per day with each additional day considered a separate violation.

County may take ownership of retention facilities and drainage structures. The Carter County Commission shall have the authority to accept or take ownership of retention facilities and drainage structures on behalf of the county provided that the Planning Commission feel the public interest is best served by the county providing on-going responsibility for maintenance and upkeep. In such cases, approval of the transfer of ownership shall only occur after the Planning Commission and the Carter County Commission have received an inspection report from the Director, with the possible technical assistance of the Carter County Extension agent and/or Soil Conservationist, that certifies said devices have been properly constructed and landscaped, are operating effectively, and appropriate safety and protective measures have been implemented or constructed. Transfer of ownership to the town shall occur at or near the completion of the subdivision or development and the developer must provide fee simple title to the property on which the retention/detention basin or drainage structure is located and/or any necessary easements allowing Carter County access to the facilities for routine maintenance and care.

Technical Assistance. Carter County Soil Conservation District staff and the Carter County Extension agent are available for consultation and advice concerning stormwater management and erosion and sedimentation problems to all persons planning to develop land within the County or under the subdivision jurisdiction of the Carter County Planning Commission. Tennessee Department of Environment and Conservation (TDEC) staff may also be consulted. The Planning Commission and Director will use these consultants as needed to review Drainage and Sedimentation Control Plans prior to approval.

Director and/or Agent responsible for providing safeguards in projects less than one acre or utilizing less than three (3) lots. Projects undertaken within Carter County that are not subject to review and approval of the Carter County Planning Commission shall fall under the responsibility of the Director of Planning and Zoning to see that the measures required in this Resolution to protect the health and safety of the people and to protect the quality of surface waters are carried out as needed. The Director shall require reasonable drainage, erosion and sedimentation control measures as part of the grading permit process outlined in this Resolution. Under no conditions shall the Director or Agent allow silt or sedimentation to enter drainage ways or adjoining properties, or allow stormwater flows to adversely impact adjoining properties. Denuded areas, cuts and slopes shall be properly covered within the same schedule as directed in this Resolution.

Grading permit also required for any project on less than one acres involving grading, filling, or excavation. A grading permit is also required for any development or construction activity, except as

exempted in this Resolution and those activities exempted from the definition of Land Disturbing Activity, on property one acre or less. However, said development and construction activities do not require a formal Drainage and Sedimentation Control Plan unless specifically requested by the planning commission. The Director shall require that all grading, vegetation, drainage, stormwater, erosion and sedimentation control measures necessary shall be implemented, shall conform to any and all Best Management Practices, and shall meet the objectives established in this Resolution. Developers must also present to the Director a description of the measures that will be taken to address the meet requirements established in this Resolution - avoiding mud, sediment, rock and debris on public ways and streets. These measures must be addressed prior to the Director issuing a Grading Permit. Measures preventing excess run-off and erosion must be in place prior to the commencement of grading and/or excavation.

Existing developed properties with drainage, erosion and sediment concerns. Properties of any size within the boundaries of Carter County that have been developed or in which land disturbing activities have previously been undertaken are subject to the following requirements:

- (1) Denuded areas still existing must be covered as specified in Best Management Practices with appropriate vegetation and/or mulch.
- (2) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
- (3) Drainage ways shall be properly covered in vegetation or secured with stones, etc. to prevent erosion.
- (4) Junk, rubbish, etc. shall be cleared of drainage ways to help minimize possible contamination of stormwater run-off.
- (5) Stormwater run-off in commercial areas, office or medical facilities, and multi family residences of three (3) or more units shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures shall include, but not be limited to, the following:
 - (a) Oil skimmer/grit collector structure. These structures are designed to skim off floatables out of parking lots and other impervious surfaces, and allow solids of debris and sediment to settle before being discharged in a local waterway.
 - (b) Retention basins.
 - (c) Planting and/or sowing of vegetation.
 - (d) Rip-rapping, mulching, and other similar erosion control measures associated with local drainage ways.

Improvements required in existing development normally at owner's expense. Drainage and sediment control measures required in existing developed properties shall normally be undertaken at the property or business owner's expense. The Carter County Commission, however, at its discretion in circumstances in which Commission members feel the county's participation is essential to protecting the health and safety of residents and the water quality of Carter County's drainage ways, may approve cost sharing needed drainage and sedimentation control measures.

County may take responsibility for existing retention facilities and drainage structures. The Carter County Commission may, on behalf of the county, take responsibility for existing retention facilities and drainage structures if the Carter County Planning Commission so determines that the general public is better served when said facilities are under the long-term maintenance responsibility of the town. Facilities considered shall be accepted as outlined in this Resolution. The Carter County Planning Commission may also recommend to the Carter County Commission that the County participate in making certain improvements

to existing facilities in addition to accepting responsibility for their long term maintenance and care if the commission feels said improvements are in the best interest of the general public.

Improvements needed at existing locations determined by the Director and/or Agent. Recommendations may come from the Director, Soil Conservation Service, the Agricultural Extension office or other qualified personnel. Recommendations shall be:

- (1) Provided in writing to the property/business owner.
- (2) Detailed as to specific actions required and why these actions are necessary.
- (30) Made with a reasonable period of time for implementation.

Monitoring, reports, and inspections. The Director and/or Agent, with the possible assistance of the Soil Conservationist and/or the County Extension agent, shall make periodic inspections of the land disturbing activities, the stormwater management system installations, and other activities requiring a grading permit to ensure compliance with the approved plan and Carter County's Best Management Practices. Inspections will evaluate whether the measures required in the Drainage and Sedimentation Control Plan and/or grading permit and undertaken by the Developer are effective in controlling erosion. The right of entry to conduct such inspections shall be expressly reserved in the permit. If the Director and/or Agent determines that the permit holder has failed to comply with plan approval, the following procedures shall apply:

- (1) A Notice from the Director and/or Agent shall be served on the permit holder either by registered or certified mail, delivered by hand to the permit holder or an agent or employee of the permitted supervising the activities, or by posting the notice at the work site in a visible location, that the permit holder is in Non-Compliance.
- (2) The Notice of Non-Compliance shall specify the measures needed to comply and shall specify the time within which such corrective measures shall be completed. The Director and/or Agent shall require a reasonable period of time for the permittee to implement measures bringing the project into compliance; however, if it is determined by the Director and/or Agent that health and safety factors or the damage resulting from non-compliance is extremely severe, immediate action may be required.
- (3) If the permit holder fails to comply within the time specified, the permit may be subject to revocation. In addition, the permittee shall be deemed to be in violation of this Resolution and thus shall be subject to the penalties provided in this Resolution.
- (4) In conjunction with the issuance of a Notice of Non-Compliance or subsequent to the permittee not completing the corrective measures directed in the time period required, the Director or Agent may issue an order requiring all or part of the land disturbing activities on the site be stopped. The Stop Work Order may be issued with or as part of the Notice of Non-Compliance, or may be delivered separately in the same manner as directed in this Resolution.

Certificate of Occupancy not issued until compliance with Plan verified. The Director will not issue a Certificate of Occupancy necessary to occupy any commercial or residential establishment until all aspects of the Drainage and Sedimentation Control Plan have been completed, control devices constructed have been approved and accepted, and, if within a subdivision or commercial development, all paving, landscaping, and utilities, including street lighting if decorative lights are used, are approved and accepted.

Plan construction acceptance and Bond release. Drainage and Sedimentation Control Plan activities must be inspected and accepted by the Director. If within a commercial or subdivision development, streets, sidewalks, curbs and alleys, landscaping, street lighting, water, sewer, and any installation of power, telephone, cable, and gas utilities must be approved and accepted by the appropriate official. All

monitoring and regulatory authorities shall complete an Approval and Acceptance Form before the Director releases the associated performance bond. The Director will sign a release on the Approval and Acceptance Form as soon as all of the project criteria have been satisfied and approved.

Appeal of Administrative Action. Actions taken by the Director and/or Agent as authorized in this Resolution are subject to review by the Carter County Planning Commission provided an appeal is filed in writing with the Chairman of the Planning Commission within (30) days from the date any written or verbal decision has been made which the Developer feels adversely affects his/her rights, duties or privileges to engage in the land disturbing activity and/or associated development proposed. Drainage and sediment mitigation actions required by the Director with existing properties or developments are also subject to appeal to the Carter County Planning Commission provided that appeals are made in writing, within thirty (30) days of receiving formal notification to the Commission Chairman citing the specific reasons(s) the activity or activities required present a hardship and cannot be implemented.

County clean-up resulting from violations at Developer/Owner's expense. County staff is authorized to take remedial actions to prevent, clean-up, repair or otherwise correct situations in which water, sediment, rock, vegetation, etc. ends up on public streets and/or right-of-ways resulting from violations of this ordinance; where necessary drainage, erosion and sedimentation control measures have not been properly implemented. In such cases, the cost of labor, equipment, and materials used will be charged to the Developer/Owner in addition to a service charge of \$200.00 per-hour. The County will invoice the Developer/Owner directly, and payment shall be received within fourteen (14) days. Failure to pay for remedial actions taken by the County under this Resolution may result in the County Attorney filing a lien against the property involved in the action.

Penalties Enforcement. Any Developer or person who shall commit any act declared unlawful under this Resolution, who violates any provision of this Resolution, who violates the provisions of any permit issued pursuant to this Resolution, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by any authorized Enforcement Officer or the Carter County Planning Commission, shall be guilty of a misdemeanor, and each day of such violation or failure to comply shall be deemed a separate offense and punishable accordingly. Upon conviction, the Developer or person shall be subject to fines of up to \$50.00 for each offense, with each following day constituting a new offense. Unless otherwise specified within a section of this Resolution, the Director of Planning and Zoning is the designated Enforcement Officer of this ordinance. The Director and/or Agent may issue citations for violations.

Legal Status Provisions.

- (1) Conflict with Other Resolution. In case of conflict between this resolution or any part thereof, and the whole or part of any existing or future resolution of Carter County, the most restrictive shall in all cases apply.
 - (2) Severability. If any provision of this Ordinance is held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any remaining provisions which are not of themselves invalid or unconstitutional.
 - (3) Effective Date. This Resolution shall become effective upon passage and publication, the public welfare requiring it.
-

Certified by the Planning Commission: _____

Date

Approved by County Commission: _____

Date

Signed: _____

County Executive

Attest: _____

County Registrar

Approved as to Form: _____

County Attorney

Carter County

DRAINAGE AND SEDIMENTATION CONTROL PLAN CHECKLIST

Project description – Briefly describe the nature and purpose of the land disturbing activity, and the amount of grading involved.

Vicinity map – A small map locating the site in relation to the surrounding area, and indicating North.

Existing site conditions – A description of the existing topography, vegetation, and drainage.

Adjacent areas – A description of neighboring areas such as streams lakes, residential areas, roads, etc., which might be affected by the land disturbing activity including names of adjacent property owners.

Soils – A brief description of the soils on the site giving such information as soil names, mapping unit, erodability, permeability, depth, texture, and soil structure, and soil type boundaries.

Critical areas – A description of areas on the site which have potentially serious erosion problems, and a brief description of the nature of the problems.

Existing contours – The existing contours of the site should be shown on a map with five foot internals.

Existing Vegetation – The existing tree lines, grassy areas, or unique vegetation should be shown on a map.

Existing drainage patterns – The dividing lines and the direction of flow for the different drainage areas should be shown on a map, and include approximate flows from site.

Calculations – Any calculations made for the design of such items as sediment basins, diversions, waterways, and calculations for runoff and stormwater detention basin design (if applicable).

Stormwater management considerations – Will the development of the site result in increased peak rates of runoff? Will this result in flooding or channel degradation downstream? If so, considerations should be given to stormwater control structures on the site. Design details must be shown and must correspond to criteria in Best Management Practices.

Location of practices – the locations of the erosion and sediment control and stormwater management practices used on the site should be shown on a map.

Limits of clearing and grading – Areas which are to be cleared and graded should be outlined on a map.

Final contours – Changes to the existing contours should be shown on a map.

Permanent stabilization – A brief description, including specifications, of how the site will be stabilized after construction is completed.

Projected sequence of work.

Detailed drawings – Any structural practices used should be explained and illustrated with detail drawings.

Maintenance – A schedule of regular inspections and repair of erosion and sediment control structures should be set forth.

Resolution

576

Amendment to Storm Water Resolution

BEFORE THE COUNTY COMMISSION
OF CARTER COUNTY, TENNESSEE
REGULAR MEETING, MONDAY, November 19, 2012

RESOLUTION NO. 576

**"RESOLUTION FOR AMENDING THE STORM WATER RESOLUTION OF
CARTER COUNTY, TENNESSEE"**

WHEREAS, Carter County has adopted a Storm Water Resolution for Carter County, Tennessee; and

WHEREAS, the Carter County Commission realizes that the storm water plan must be amended periodically to remain in compliance with applicable Tennessee state statutes; and

WHEREAS, the Penalties Enforcement section of the current Storm Water Resolution states as follows:

~~"Penalties Enforcement. Any Developer or person who shall commit any act declared unlawful under this Resolution, who violates any provision of this Resolution, who violates the provisions of any permit issued pursuant to this Resolution, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by any authorized Enforcement officer or the Carter County Planning Commission, shall be guilty of a misdemeanor, and each day of such violation or failure to comply shall be a separate offense and punishable accordingly. Upon conviction, the Developer or person shall be subject to fines of up to \$50.00 for each offense, with each following day constituting a new offense. Unless otherwise specified within a section of this Resolution, the Director of Planning and Zoning is the designated Enforcement Officer of this Resolution. The Director and/or Agent may issue citations for violations."; and~~

WHEREAS, Tennessee Code Annotated 68-221-1106 subsection (a) currently allows a County to establish by resolution that any person who violates the provisions of any resolution regulating storm water discharges or facilities shall be subject to a civil penalty of not less than fifty dollars (\$50.00) or more than five thousand dollars (\$5,000.00) per day for each day of violations; and

WHEREAS, a proposal has been made to amend the Penalties Enforcement section of the current Storm Water Resolution; and

WHEREAS, the Carter County Regional Planning Commission did study this proposal on October 9, 2012, and recommended that the Carter County Commission amend the Storm Water Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the County Commission of Carter County, Tennessee, meeting in regular session at Elizabethton, Tennessee, on this 19th day of November, 2012, with a lawful quorum of said Commission being present and with a majority of said Commission voting in the affirmative, amend the Penalties Enforcement section of the Carter County Storm Water Resolution to read as follows:

"Penalties Enforcement. Any Developer or person who shall commit any act declared unlawful under this Resolution, who violates any provision of this Resolution, who violates the provisions of any permit issued pursuant to this Resolution, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by any authorized Enforcement officer or the Carter County Planning Commission, shall be guilty of a misdemeanor, and each day of such violation or failure to comply shall be a separate offense and punishable accordingly. Upon conviction, the Developer or person shall be subject to fines of not less than fifty dollars (\$50.00) or more than five thousand dollars (\$5,000.00) per day for each day of violations, with each following day constituting a new offense. Unless otherwise specified within a section of this Resolution, the Director of Planning and Zoning is the designated Enforcement Officer of this Resolution. The Director and/or Agent may issue citations for violations."

BE IT FURTHER RESOLVED, this amendment shall be effective from and after its adoption, the welfare of the county demanding.

Adopted this 19th day of November, 2012.

CARTER COUNTY, TENNESSEE

APPROVED:

By: Thomas Bowers
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

By: Leon Humphrey
LEON HUMPHREY
CARTER COUNTY MAYOR

VETOED:

By: _____
LEON HUMPHREY
CARTER COUNTY MAYOR

Date: _____

VETO OVERRIDE VOTE:

_____ YES VOTES
_____ NO VOTES
_____ ABSTAIN VOTES

APPROVED WITH SUCCESSFUL OVERRIDE VOTE:

By: _____
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

Date: _____

ATTEST:

Mary Gouge
MARY GOUGE
CARTER COUNTY CLERK

APPROVED AS TO FORM:

Keith Bowers, Jr.
KEITH BOWERS, JR.
CARTER COUNTY ATTORNEY

Resolution

577

Amendment to Storm Water Resolution

BEFORE THE COUNTY COMMISSION
OF CARTER COUNTY, TENNESSEE
REGULAR MEETING, MONDAY, November 19, 2012

RESOLUTION NO. 577

**"RESOLUTION FOR AMENDING THE STORM WATER RESOLUTION OF
CARTER COUNTY, TENNESSEE"**

WHEREAS, Carter County has adopted a Storm Water Resolution for Carter County, Tennessee; and

WHEREAS, the Carter County Commission realizes that the storm water plan must be amended periodically to remain in compliance with applicable Tennessee state statutes; and

WHEREAS, item (1) in the Definitions section of the current Storm Water Resolution states as follows:

"Best Management Practices (BMP's): A schedule of activities, prohibitions of practices, design, construction and maintenance procedures, and other management practices to prevent the pollution of storm water runoff. (Specifically defined in TDEC's, Tennessee Erosion and Sediment Control Handbook, dated March 2002)"; and

WHEREAS, the Tennessee Department of Environment and Conservation (TDEC) has updated the Tennessee Erosion and Sediment Control Handbook referenced in the current Storm Water Resolution; and

WHEREAS, item (1) in the Definitions section of the current Storm Water Resolution must be amended to reflect the applicability of the current version of the Tennessee Erosion and Sediment Control Handbook; and

WHEREAS, a proposal has been made to amend item (1) in the Definitions section of the current Storm Water Resolution; and

WHEREAS, the Carter County Regional Planning Commission did study this proposal on October 9, 2012, and recommended that the Carter County Commission amend the Storm Water Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the County Commission of Carter County, Tennessee, meeting in regular session at Elizabethton, Tennessee, on this 19th day of November, 2012, with a lawful quorum of said Commission being present and with a majority of said Commission voting in the affirmative, that item (1) in the Definitions section of the Carter County Storm Water Resolution is hereby amended to read as follows:

"Best Management Practices (BMP's): A schedule of activities, prohibitions of practices, design, construction and maintenance procedures, and other management practices to prevent the pollution of storm water runoff. (Specifically defined in TDEC's, Tennessee Erosion and Sediment Control Handbook, current edition, in its entirety.)"

BE IT FURTHER RESOLVED, this amendment shall be effective from and after its adoption, the welfare of the county demanding.

Adopted this 19th day of November 2012.

CARTER COUNTY, TENNESSEE

APPROVED:

By: 
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

By: 
LEON HUMPHREY
CARTER COUNTY MAYOR

VETOED:

By: _____
LEON HUMPHREY
CARTER COUNTY MAYOR

Date: _____

VETO OVERRIDE VOTE:

_____ YES VOTES

_____ NO VOTES


_____ ABSTAIN VOTES

APPROVED WITH SUCCESSFUL OVERRIDE VOTE:

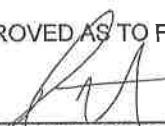
By: _____
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

Date: _____

ATTEST:


MARY GOUGE
CARTER COUNTY CLERK

APPROVED AS TO FORM:


KEITH BOWERS, JR.
CARTER COUNTY ATTORNEY

Resolution

578

"A RESOLUTION ADOPTING THE COVENANTS FOR PERMANENT MAINTENANCE OF WATER QUALITY FACILITIES AND BEST MANAGEMENT PRACTICES AGREEMENT TO COMPLY WITH THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION POST CONSTRUCTION WATER QUALITY REQUIREMENTS."

BEFORE THE COUNTY COMMISSION
OF CARTER COUNTY, TENNESSEE
REGULAR MEETING, MONDAY, November 19, 2012

RESOLUTION NO. 578

"A RESOLUTION ADOPTING THE COVENANTS FOR PERMANENT MAINTENANCE OF WATER QUALITY FACILITIES AND BEST MANAGEMENT PRACTICES AGREEMENT TO COMPLY WITH THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION POST CONSTRUCTION WATER QUALITY REQUIREMENTS."

WHEREAS, Carter County has adopted a Storm Water Resolution for Carter County, Tennessee to comply with the requirements of the State of Tennessee Department of Environment and Conservation; and

WHEREAS, the State of Tennessee Department of Environment and Conservation has certain requirements regarding post construction water quality; and

WHEREAS, in order to fully comply with the requirements of the State of Tennessee Department of Environment and Conservation, Carter County must require persons owning property within the county to enter into permanent maintenance agreements for water quality and best management practices before their property is developed; and,

WHEREAS, Carter County has developed an Agreement entitled "Covenants For Permanent Maintenance of Water Quality Facilities and Best Management Practices" which sets forth the appropriate covenants a property owner must maintain in Carter County, Tennessee to comply with said requirements; and,

WHEREAS, said Agreement is necessary for Carter County to remain in compliance with the requirements of the State of Tennessee Department of Environment and Conservation; and,

WHEREAS, the Carter County Regional Planning Commission did study the Agreement entitled "Covenants For Permanent Maintenance of Water Quality Facilities and Best Management Practices" on October 9, 2012, and recommended that the Carter County Commission adopt said Agreement; and,

WHEREAS, it has been determined that it is in the best interest of the citizens and residents of Carter County, Tennessee, to adopt said Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the County Commission of Carter County, Tennessee, meeting in regular session at Elizabethton, Tennessee, on this 19th day of November, 2012, with a lawful quorum of said Commission being present and with a majority of said Commission voting in the affirmative:

1. That the Agreement entitled "Covenants For Permanent Maintenance of Water Quality Facilities and Best Management Practices", which is attached hereto as Exhibit "A", is hereby adopted; and
2. That said Agreement must be fully executed by property owners in Carter County before their property is developed in order to fully comply with the requirements of the State of Tennessee Department of Environment and Conservation.

BE IT FURTHER RESOLVED, this Resolution shall be effective from and after its adoption, the welfare of the county demanding.


Adopted this ____ day of _____, 2012.

CARTER COUNTY, TENNESSEE

APPROVED:

By: 
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

By:


LEON HUMPHREY
CARTER COUNTY MAYOR

VETOED:

By:

LEON HUMPHREY
CARTER COUNTY MAYOR

Date:

VETO OVERRIDE VOTE:

YES VOTES

NO VOTES

ABSTAIN VOTES

APPROVED WITH SUCCESSFUL OVERRIDE VOTE:

By:

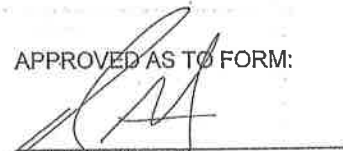
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

Date:

ATTEST:


MARY GOUGE
CARTER COUNTY CLERK

APPROVED AS TO FORM:


KEITH BOWERS, JR.
CARTER COUNTY ATTORNEY

Resolution

592

**"MAXIMUM DESIGN STORM WATER MANAGEMENT
AND EROSION AND SEDIMENT CONTROL
RESOLUTION FOR CARTER COUNTY, TENNESSEE"**

BEFORE THE COUNTY COMMISSION
OF CARTER COUNTY, TENNESSEE
REGULAR MEETING, MONDAY SEPTEMBER 16th, 2013

RESOLUTION NO. 592

**"MAXIMUM DESIGN STORMWATER MANAGEMENT AND EROSION AND
SEDIMENT CONTROL RESOLUTION FOR CARTER COUNTY, TENNESSEE"**

WHEREAS, discharges to the Carter County stormwater system that are not composed entirely of stormwater runoff contribute to increased nonpoint source pollution and degradation of receiving waters; and

WHEREAS, these non-stormwater discharges occur due to spills, dumping and improper connections to the Carter County storm drain system from residential, industrial, commercial or institutional establishments; and

WHEREAS, these non-stormwater discharges not only impact waterways individually, but geographically dispersed, small volume non-stormwater discharges can have cumulative impacts on receiving waters; and

WHEREAS, the impacts of these discharges adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters; and

WHEREAS, these impacts can be minimized through the regulation of spills, dumping and discharges into the Carter County stormwater system; and

WHEREAS, localities in the State of Tennessee are required to comply with a number of State and Federal laws, regulations and permits which require a locality to address the impacts of stormwater runoff quality and non-point source pollution due to improper non-stormwater discharges to the Carter County stormwater system.

NOW, THEREFORE, BE IT RESOLVED, by the County Commission of Carter County, Tennessee, meeting in regular session at Elizabethton, Tennessee, on this 16th day of September, 2013, with a lawful quorum of said Commission being present and with a majority of said Commission voting in the affirmative, as follows:

**SECTION1. Maximum Design Stormwater Management and Erosion and Sediment
Control:**

- a. Short title
- b. Purpose
- c. Definitions
- d. Regulated land disturbing activities
- e. Permit required for any land disturbing activity
- f. Stormwater Plan and SWPPP required
- g. Plan and SWPPP requirements
- h. Plan must contain measures to meet approved standards
- i. Permit application
- j. Plan development at owner/developer's expense
- k. Plan submitted to Director of Zoning
- l. Plan review
- m. Director of Zoning may require additional protective measures
- n. Improperly maintained stormwater management facilities and drainage structures violation
- o. Director of Zoning responsible for providing safeguards in projects less than one acre
- p. Existing developed properties with drainage, erosion and sediment concerns
- q. Improvements needed at existing locations determined by the Director of Zoning

- r. Improvements required with existing developments subject to appeal
- s. Monitoring, reports, and inspections
- t. Certificate of Occupancy not issued until approvals
- u. Grading Permit Security
- v. Appeal of administrative action
- w. County clean-up resulting from violations at Developer's/Owner's expense
- x. Illicit discharge and illegal dumping
- y. Penalties; Enforcement
- z. Severability

1a) Short title: This Section shall be known as the "Maximum Design Stormwater Management and Erosion and Sediment Control Resolution of Carter County, Tennessee".

1b) Purpose: The purpose of this resolution is to conserve the land, water and other natural resources of Carter County; and promote the public health and welfare of the people by establishing requirements for the control of stormwater, erosion and sedimentation and by establishing procedures whereby these requirements shall be administered and enforced; and ~~to diminish threats to public safety from degrading water quality caused by the run-off of~~ excessive stormwater and associated pollutants; and to reduce flooding and the hydraulic overloading of Carter County's stormwater system; and to reduce the economic loss to individuals and the community at large.

1c) Definitions: For the purpose of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Adequacy of Outfalls: The capacity of the receiving channel, stream, waterway, storm drain system, etc., and a determination whether it is adequately sized to receive runoff from the developed site so as to not cause erosion and/or flooding.

Best Management Practices (BMP's): A schedule of activities, prohibitions of practices, design, construction and maintenance procedures, and other management practices to prevent the pollution of stormwater runoff.

County: All unincorporated areas of Carter County, Tennessee.

Development: Any activity that involves making changes to the land contour by grading, filling, excavating, removal, or destruction of topsoil, trees, or vegetative covering.

Denuded Area: Areas disturbed by grading, tilling, or other such activity in which most or all vegetation has been removed and soil is exposed directly to the elements allowing for the possibility of erosion, stormwater and or sediment run-off.

Developer: Any person, owner, individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

Drainage: A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping; commonly applied to surface water/stormwater.

Stormwater Management Facility: This term is used in a general sense to mean retention ponds, detention ponds, sedimentation basins, sediment traps, and any other structure that is constructed to reduce or control stormwater run-off and prevent silt and other pollutants from entering waterways. When terms such as sediment basins and detention ponds are used in this resolution, they are also intended to describe a variety of possible structures whose applications in certain circumstances helps control stormwater and waterway pollutants.

Stormwater Plan: For the purpose of this Section; a Stormwater Plan refers to a formal written document and/or drawing addressing grading, stabilization using vegetation, stormwater conveyance, stormwater management, and erosion and sedimentation controls, as specified in this Resolution, that is reviewed by the Director of Zoning with other technical assistance as deemed necessary, and if approved by the Director of Zoning is used as the basis for the

Director of Zoning or designee to issue a Grading Permit that allows land disturbing activity to proceed.

Drainage Ways and Local Waters: Any and all streams, creeks, branches, ponds, reservoirs, springs, wetlands, wells, drainage ways and wet weather ditches, or other bodies of surface or subsurface water, natural or artificial including Carter County's stormwater system; lying within or forming a part of the boundaries of Carter County.

Enforcement Officer: The Director of Zoning, designee, or any other person designated by the Carter County Board of County Commissioners to enforce the Stormwater Management and Erosion and Sedimentation Control Resolution.

Erosion: The general process whereby soils are moved by flowing surface or subsurface water.

Grading Permit: The permit that must be issued by the Director of Zoning or designee, before any land disturbing activity is undertaken by a developer; or when grading, filling, or excavating is proposed on any project.

Land Disturbing Activity: Means any activity which may result in soil erosion from water or wind and the movement of sediments into drainage ways, or local waters, including, but not limited to, clearing of vegetation (including timber operations), grading, excavating, transportation and filling of land, except that the term shall not include:

- (a) Such minor land disturbing activities as home gardens and individual home landscaping, repairs and maintenance work.
- (b) Construction, installation or maintenance of utility lines and individual service connections, or septic lines and drainage fields unless the disturbance is 1 acre or more.
- (c) Emergency work to protect life, limb or property.

SWPPP: Stormwater Pollution Prevention Plan. This is a combination of the Erosion and Sediment Control Plan and a narrative in accordance with the State of Tennessee's current Construction General Permit.

1d) Regulated land disturbing activities:

1d1) Except as provided in this Section, it shall be unlawful for any person to engage in any land disturbing activity involving at least one (1) acre of land disturbance, or where the construction activity is part of a larger common plan of development or sale that would disturb one (1) acre or more of land without submitting and obtaining approval of a Stormwater Plan and a comprehensive SWPPP as detailed in this Section, and being issued a Grading Permit by the Director of Zoning or designee.

1d2) Any person who owns, occupies and operates private agriculture lands shall not be deemed to be in violation of this Resolution of land disturbing activities which result from the normal functioning of these lands, however, the Director of Zoning or designee have the authority to require "best practices" erosion and sedimentation control measures if pollution and run-off problems are evident.

1d3) Any State or Federal agencies not under the regulatory authority of the Carter County for stormwater management, erosion and sediment control is exempt from the requirements of this Resolution.

1e) Permits required for any land disturbing activity:

- I. Any land disturbing activity, as defined in this Section, shall require a Grading Permit, in addition to any Building Permit prior to the commencement of any work. Grading Permits for regulated land disturbing activities as defined in this Section will be issued by the Director of Zoning or designee only upon the Developer meeting requirements outlined in all applicable portions of this Section which includes obtaining approval of a Stormwater Plan by the Director of Zoning. A fee may be assessed for issuance of a grading permit.

- II. A Grading Permit is also required for any development, construction activity, or land disturbing activity on less than one (1) acre of land but a formal stormwater plan approved by the Director of Zoning is not required. The Director of Zoning shall require that all grading, vegetation, drainage, stormwater, erosion and sedimentation control measures necessary shall be implemented, shall conform to any and all Best Management Practices, and shall meet the objectives established in this resolution. Developers must also present to the Director of Zoning a description of the measures that will be taken to address the requirements established in this Section - avoiding mud, sediment, rock and debris on public ways, streets, streams, and drainage ways. These measures must be addressed prior to the Director of Zoning or designee issuing a Grading Permit. Measures preventing excess run-off and erosion must be in place prior to the commencement of grading and/or excavation.
 - III. A pre-construction meeting shall be held between Carter County and the developer (or their representative) for any project that discharges directly into or is immediately upstream of a Water of the State such as a stream, creek, river, or lake. No grading operations may take place until after the pre-construction meeting and perimeter sediment control devices are in place and functional.
-

1f) Stormwater Plan and SWPPP required:

A stormwater plan and a comprehensive SWPPP shall be required for all developments, subdivisions, or construction activities involving one (1) or more acres of land disturbance, except as exempted in this Section, or where the construction activity is part of a larger common plan of development or sale that would disturb one (1) acre or more of land.

Plan and SWPPP requirements: The Stormwater Plan shall be prepared and sealed by a registered design professional qualified to prepare stormwater plans in accordance with State of Tennessee law and in accordance with the current State of Tennessee Construction General Permit, where applicable. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and the potential for off-site damage.

The comprehensive SWPPP (plan and narrative), when required, shall be prepared by a person in accordance with the current State of Tennessee Construction General Permit. The SWPPP shall contain all information as required by the current State of Tennessee Construction General Permit. Be aware that the requirements for projects which drain into an impaired stream or Exceptional Waters of the State are different than for projects draining to an unimpaired stream.

1g) The Stormwater plan shall include at least the following:

- (1.) Project Description - Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.
- (2.) Contour intervals of five (5) feet or less showing present conditions and proposed contours resulting from land disturbing activity.
- (3.) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.
- (4.) A general description of existing land cover; individual trees and shrubs do not need to be identified.
- (5.) Limit of disturbance showing approximate limits of proposed clearing, grading and filling.
- (6.) Drainage area map showing pre and post development stormwater leaving any portion of the site.
- (7.) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.
- (8.) Location, size, details, and layout of proposed stormwater management. Provide appropriate details such as a profile through the principal spillway with cutoff trench, anti-seep control, trash rack details, compaction/backfill details or notes, riser detail, outlet stabilization,

and emergency spillway detail for detention ponds and other details/sections as needed for the contractor to build the structures.

- I. The low flow opening in a riser structure and its overflow shall have a trash rack to prevent the opening, the riser, and/or the principal spillway from becoming clogged. The trash racks shall not be flat across the openings.
- II. Provide hydraulic calculations for stormwater facilities sealed by a design professional qualified to prepare hydraulic calculations in accordance with State of Tennessee law. As a minimum, the calculations shall include a pre and post development drainage area map, brief narrative, pre and post development runoff data, and routing calculations to determine the outflow rate from the stormwater management facility.
- III. Stormwater management devices, including detention ponds, which are located in subdivisions, shall be located on a non-buildable lot or within an easement if located on a buildable lot. Any existing and proposed easements shall be shown on the construction drawings as well as the recorded final plat. The construction drawings and the final plat shall state who is responsible for the maintenance of the stormwater management devices.

(9.) Proposed closed and open drainage network.

(10.) Proposed storm drain or waterway sizes.

(11.) Location and amount of stormwater runoff leaving site after construction and stormwater management measures proposed. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the Adequacy of Outfalls from the development. When water is concentrated, what is the capacity of waterways and storm drains, if any, accepting stormwater off-site, and what measures including infiltration, sheeting into buffers, outfall setbacks, etc. are to be used to spread concentrated runoff and prevent the scouring of waterways and drainage areas off-site.

- I. Outfall pipes from storm drain systems and stormwater management facilities shall be setback sufficiently from offsite properties to allow the concentrated water to spread out back to pre-development flow characteristics. Under no circumstance shall an outfall pipe, as measured from the end section, headwall, or pipe, if no end structure is used, be any closer than ten (10) feet from the offsite property unless a drainage easement from the offsite property owner is obtained and recorded. The outfall setback shall be determined by the design professional and shall be based on outflow rate and the receiving channel or pipe characteristics.
- II. Stormwater discharge from a concentrated point such as a pipe outfall shall discharge onto rip rap or other velocity/energy dissipating method to reduce erosion potential. All rip rap or other stone used to reduce velocity shall be placed on a geotextile to prevent scouring and the stone from sinking into the underlying soil.
- III. The overflow path through the site and from any stormwater management device for stormwater runoff above the design storm event, shall not adversely impact any onsite structures such as buildings and roadway stability.

(12.) The sequence of construction is a vital component of the drainage and sediment control plan and it explains to the contractor, and Director of Zoning, when the drainage and sediment control devices are to be constructed.

- I. A general sequence of construction explaining when sediment control, drainage, and stormwater management devices are to be installed in relation to other components of the site development is to be provided on the plans. The sequence of construction shall state that no clearing or grading may begin until all perimeter sediment control devices are in place and functional.

(13.) Specific remediation measures to prevent erosion and sedimentation runoff and to meet approved standards as outlined in this Section. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetative measures, both temporary and permanent, will be detailed or at a minimum referenced to an appropriate standard. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan, as appropriate.

- I. To the extent necessary, sediment in runoff water must be trapped by the use of, sediment basins, silt traps or other sediment control measures until the disturbed area is stabilized. Structural controls shall be designed and maintained as required to prevent pollution.
- II. All Sediment Control and Erosion Control Plans shall be designed to the minimum standards as set forth by the most current State of Tennessee's Erosion and Sediment Control Handbook. If there is a conflict between these regulations and the State of Tennessee's Regulation, the most stringent regulation shall apply.
- III. All erosion and sediment control devices shall be designed for the 2 year, 24 hour storm as a minimum. For drainage area of 10 acres or more to a single outfall point, a sediment basin(s) or equivalent measures shall be used and designed for the 2 year, 24 hour storm.
- IV. For projects which drain into an impaired or exceptional state water, the erosion and sediment control devices shall be designed for the 5 year, 24 hour storm and a sediment basin or equivalent measures shall be used for drainage areas of 5 acres or more to a single outfall point.
- V. All, or as much as possible, of the offsite surface water flowing toward the construction or development area shall, to the extent possible, be diverted around the disturbed area by using berms, channels, or other measures as necessary. Limiting the amount of runoff, especially concentrated runoff, from flowing through the construction site can be extremely helpful in preventing or significantly reducing sediment runoff. Under no circumstances, unless a drainage easement is obtained, may diverted offsite runoff be redirected onto other offsite properties or to a different location on the offsite property or be diverted onto an offsite property's existing drainage way in a manner that would cause additional harm to the property.
- VI. If a detention pond is to be used initially as a temporary sediment basin, then appropriate details and notes shall be provided showing how the pond will increase the residence time of the sediment laden water and when and how the sediment basin is to be converted to a permanent detention pond. Typically this conversion occurs once the upland drainage area to the pond has been stabilized. The sequence of construction shall state when these activities are to take place.
- VII. The use of earth berms/dikes, swales, sediment traps, outlet structures, and sediment basins are strongly encouraged over the use of silt fence and straw bales for long term projects and where concentrated runoff is present.
- VIII. All disturbed areas that will not be disturbed again within 14 days shall be temporarily or permanently stabilized with seed, mulch, and/or other appropriate measures within 14 days of grading or clearing operations ceasing. It is very important that disturbed soil be stabilized as soon as possible to prevent sediment runoff. For slopes 3:1 or steeper, they must be temporarily or permanently stabilized within 7 days of grading ceasing on those slopes.

(14.) A stone construction exit per the Tennessee Sediment Control Handbook shall be provided for all construction ingress/egress points for all construction projects including single lot construction. This is required in order to prevent mud, sediment, and debris from entering Carter County streets and public ways. Mud, sediment, and debris brought onto streets and public ways must be removed by the end of the day by machine, broom or shovel to the satisfaction of the Director of Zoning. Failure to remove said sediment, mud or debris shall be deemed a violation of this resolution.

- I. It is the Developer's responsibility to prevent sediment from leaving the construction site and this includes sediment leaving the site by way of runoff flowing out the entrance or by vehicular tires carrying the sediment onto the streets. If there is runoff flowing down the construction exit to the street, a mountable stone berm or equivalent measures shall be used to direct the runoff to sediment control devices adjacent to the exit. The use of smaller stone or gravel than shown on the above mentioned construction exit detail shall not be used.

(15.) Proposed structures; location and identification of any proposed additional building, structures or development on the site.

(16.) Any on-site measures to be taken to recharge a portion of the surface water in to the ground water system through infiltration, if appropriate for the site.

(17.) The Plan must have the seal of the design professional responsible for creating the Plan. The stamped and signed Plan, if approved, shall be copied and be the official Plan that must be available in the field during construction.

(18.) Show all existing and proposed drainage easements. Proposed drainage easements shall be shown on construction drawings as well as the recorded final plat. Proposed drainage easements shall be provided where, swales, ditches, storm drains, or other conveyance devices on a lot or property will carry concentrated offsite stormwater through the lot or property.

1h) Plan must contain measures to meet approved standards:

The Stormwater Plan shall contain measures that will ensure development, construction, or site work will meet or exceed the following standards:

(1.) The development fits within the topography and soil conditions in a manner that allows stormwater and erosion and sedimentation control measures to be implemented in a manner satisfactory to the Director of Zoning. Development shall be accomplished so as to minimize the potential for erosion.

(2.) Plans for development and construction shall seek to minimize cut and fill operations to the extent possible.

(3.) During development and construction, adequate protective measures shall be provided to minimize damage from surface water to the cut face of excavations or the sloping surfaces of fills. Fills shall not encroach upon natural water courses, their flood plains; or constructed channels in a manner so as to adversely affect other properties.

(4.) Pre-construction vegetation ground cover shall not be removed, destroyed, or disturbed prior to obtaining a Grading Permit. Perimeter sediment controls shall be in place prior to the start of clearing or grading operations.

(5.) Developers shall be responsible upon completion of land disturbing activities to leave slopes and developed or graded areas so that they will not erode. Such methods include, but are not limited to, re-vegetation, mulching, rip-rapping, and retaining walls. Bank cuts and fills should preferably be 3 to 1 slopes or less, however, they shall not exceed a 2 to 1 slope without waiver from the Director of Zoning and must be properly covered and stabilized. Regardless of the method used, the objective is to leave the site as erosion and maintenance free as is practical.

I. Provisions are implemented that accommodate any increase in stormwater runoff generated by the development in a manner in which the pre development levels of runoff for the two (2) and ten (10) year storm events are not increased during and following development and construction. The Planning Commission reserves the right to require stormwater management to maintain pre development levels of runoff for the 25, 50 or 100-year storm event if a known flooding problem exists downstream.

II. Any stormwater detention or retention pond shall also be designed to pass the post development 100 year storm (peak attenuation to the 100 year pre development rate is not required) through the pond without overtopping any portion of the dam. This can be accomplished through the principal spillway or an emergency spillway or using both. The emergency spillway shall be installed on virgin soil and is not to be placed on fill material or the dam. If it is not feasible to place the emergency spillway on virgin soil then the principal spillway shall be designed for the 100 year storm.

(6.) All grading, vegetation, drainage, stormwater, erosion and sedimentation control mitigation measures shall conform to the State of Tennessee's current Construction General Permit, when applicable, and their current Erosion and Sediment Control Handbook

(7.) All perimeter sediment control devices such as construction exits, earth berms/dikes, swales, silt fence, sediment basins, sediment traps, and other perimeter stormwater measures shall be installed in conjunction with initial work and must be in place and functional prior to the

initial grading operations. These measures must be maintained throughout the development process. Sediment basins and/or sediment traps may be temporary, but shall not be removed until its drainage area is stabilized.

(8.) It is strongly encouraged to maintain existing trees because they significantly contribute to reducing stormwater runoff.

(9.) A minimum twenty-five (25) foot permanent undisturbed buffer shall be provided from the top of bank along both sides of streams except as necessary for the crossing of the stream for installation of utilities, development of roads, or construction of outfalls for stormwater facilities, related drainage improvements and for removal of invasive species to enhance the existing buffer. These utility, road, and stormwater outfall disturbances shall be designed to minimize disturbance and impact on the stream and its buffers. Any disturbance to a stream or wetland requires an Aquatic Resource Alteration permit through the State of Tennessee. During construction, a 30' average (15' minimum) undisturbed buffer or equivalent measures, shall be provided from the top of the stream bank. If the stream is a siltation or streamside habitat impaired stream or Exceptional Water of the State, the undisturbed buffer during construction is increased to a 60' average (30' minimum) or equivalent measures.

(10.) Soil and other materials shall not be temporarily or permanently stored in locations which would cause suffocation of root systems of trees intended to be preserved. Stockpiled soils shall have silt fencing or other sedimentation control measures surrounding, and shall be located away from street, curbs and drainage ways to prevent sediment from getting into local waters, streets, public ways, and offsite properties.

(11.) Land shall be developed to the extent possible in increments of workable size. Erosion and sediment control measures shall be coordinated with the sequence of construction, development and construction operations. Control measures such as berms, interceptor ditches, terraces, and sediment and silt traps shall be put into effect prior to any next stage of development.

(12.) The permanent vegetation shall be installed on areas of the construction site that are outside of the building area, pad or footprint, as soon as utilities are in place and final grades are achieved. Without prior approval of an alternate plan by the Director of Zoning, permanent or temporary soil stabilization must be applied to disturbed areas outside of the building pad or footprint within fourteen (14) days from substantial completion of grading, or where these disturbed areas outside the building site will remain unfinished for more than fourteen (14) calendar days. The building area should be stabilized with a concrete pad or the footprint covered with gravel.

(13.) Stormwater management facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In lieu thereof, these structures shall have planted trees and vegetation such as shrubs, perennials, and/or permanent ground cover on their borders, except no woody vegetation such as trees and shrubs shall be planted on dam areas or within 25 feet of the dam or the riser. Plant varieties shall be those sustainable in a drainage way environment or as may be outlined in Best Management Practices.

(14.) In many situations stormwater management facilities and drainage structures need to be fenced in order to protect public safety. It is the developer's/property owner's responsibility to determine if fencing is appropriate and the size and type. When fencing is provided, the following specifications are encouraged:

(a) Height minimum of forty-two (42) inches.

(b) For residential areas and high visibility commercial areas, the fencing could be split rail or chain linked with black or green vinyl coated wire attached, or some other type of attractive fencing.

I. For commercial and industrial uses, the fencing could be chain link up to 6' tall if the fencing is not visible from residential zoned or used property or a public right of way. Under no circumstances may barbed wire be used.

(c) A lockable access gate of a minimum width of 12 feet must be provided to allow access by equipment and machinery as needed for maintenance.

(d) An adequate access road to the gate sufficient for maintenance vehicles and equipment.

(15.) Carter County wishes to minimize the negative effects of development on our environment, on our economy, and on our health while at the same time reducing development costs for the developers and maintenance costs for the county and the developer. All efforts should be utilized to implement site design and non-structural stormwater management practices to reduce and minimize runoff in new development. Efforts to enhance infiltration, passage or movement of water into the soil surface, reduction of hard surfaces, minimizing the concentration of runoff, and lengthening of the time of concentration should be a priority:

(16.) The following BMPs can be applied to the peak and water quality stormwater calculations thereby reducing the size and cost of the stormwater BMPs:

(a) Natural area conservation: The preservation of forest, wetlands, pasture land, and other sensitive areas of existing vegetation thereby retaining pre-development hydrologic and water quality characteristics. If these areas are undisturbed and placed in a recorded protective easement, these areas may be subtracted from the total site area when calculating water quality volume. The post development curve numbers for these areas can be modeled as forest in good condition.

(b) Disconnection of rooftop runoff: Rooftop runoff that is disconnected from another impervious surface and directed over a pervious area will infiltrate into the soil or be filtered by the surface material. The longer the flow path of the water from the pipe across vegetated areas, the greater the filtering and infiltration of the run-off which in turn improves water quality and reduces downstream run-off:

- I. If the lot is graded to disperse the rooftop runoff as sheet flow through at least 50' of thick grass or other thick vegetation or through at least 25' of existing woodlands, 50% of the rooftop impervious area draining through the vegetation may be modeled as grass in good condition when calculating the post development curve number. If reforestation or planted landscape beds equal in area to 50% of the rooftop area is placed in the path of the disconnected rooftop runoff, then the remaining 50% of the rooftop impervious area may be modeled as grass in good condition when calculating the post development curve number.
- II. If the rooftop runoff is discharged into a properly designed and constructed bio retention facility/rain garden onsite, 100% of the rooftop impervious area draining to the device may be modeled as grass in good condition when calculating the post development curve number.
- III. In addition, under both conditions listed above, the total impervious area in the water quality calculations may be reduced relative to the impervious area reduction associated with the curve number credit.
- IV. If downspouts need to be piped away from building foundations to prevent damage to the foundations, the pipes must outfall at least ten (10) feet, preferable further, from any property line. If the downspouts are piped and the runoff cannot disperse in accordance with the above requirements, no stormwater credit is available.

(c) Disconnection of non-rooftop impervious runoff:

- I. Rooftop runoff that is disconnected from another impervious surface and directed over a pervious area will infiltrate into the soil or be filtered by the surface material. The longer the flow path of the water across vegetated areas, the greater the filtering and infiltration of the runoff which in turn improves water quality and reduces downstream runoff.
- II. Discharging run-off from impervious surfaces onto pervious surfaces through the use of pervious pavers, permeable paving surfaces, rain gardens/bio retention facilities, grassed swales, use of open road sections in lieu of curbed roads, and by grading the site so that run-off travels from an impervious surface to a pervious surface before being collected in a drainage system. All of these increase filtering and infiltration of stormwater before the flows become concentrated and this in turn improves water quality

and reduces downstream run-off which means pipes, swales, ditches, and stormwater facilities can be smaller.

- III. Avoid sending run-off from one impervious surface directly onto another impervious surface. Place pervious surfaces between impervious surfaces along the run-off path.
- IV. If the site is graded to disperse the impervious runoff as sheet flow through at least 50' of thick grass or other thick vegetation or through at least 25' of existing woodlands, 50% of the impervious area draining through the vegetation may be modeled as grass in good condition when calculating the post development curve number. If the impervious runoff is discharged into a properly designed and constructed bio retention facility/rain garden onsite, 100% of the impervious area draining to the device may be modeled as grass in good condition when calculating the post development curve number.

(d) Sheet flow: Maintain sheet flow for as long as possible before the run-off has to be collected in a stormwater conveyance system. Sheet flow increases infiltration and lengthens the time of concentration which in turn improves water quality and reduces run-off downstream. Spread out concentrated flows created by the development before they are discharged offsite using stilling basins, level spreaders, directing run-off through woodlands, or other means so the run-off returns to pre-development characteristics to meet the adequacy of outfall provision of this ordinance and to improve water quality and reduce run-off downstream.

(e) Grass channels: Grass channels shall be used in lieu of piping or hard surface channels.

(f) Environmentally sensitive development: Maintaining/not disturbing environmentally sensitive areas such as streams, stream buffers, existing woodlands, existing steep slopes, wetlands, etc., the reduction of cut and fill, excavating, etc. and the appropriate balance of buildings and parking on the development site.

(g) Improvements to and the reduction in the impervious areas on the development site. Design parking lots with the minimum amount of hard surface required to meet the zoning regulations. If additional parking area is desired, the county strongly encourages the employee and/or overflow parking areas to be constructed in a more pervious material than asphalt or concrete. If the parking regulations require excessive parking for your type of development, discuss the issue with the Planning Staff. If the Planning Staff feels a reduction in the number of required parking spaces is justified, a variance can be submitted to the Board of Zoning Appeals to reduce the parking requirements which in turn will reduce the amount of impervious surface installed.

(h) Increased use of trees, shrubs and ground cover, which absorb up to 14 times more rainwater than grass and require less maintenance.

(17.) Neighboring persons and property shall be protected from damage or loss resulting from an increase in stormwater runoff above the pre development rate, soil erosion, or the deposit upon private property, public streets or right-of-ways of silt and debris transported by water from construction, excavating, grading, etc. associated with a development.

1i) Permit application:

In addition to the Stormwater Plan, applications for a Grading Permit involving land disturbing activities must include the following:

- (1.) Name of applicant.
- (2.) Business or residence address of applicant.
- (3.) Name and address of owner(s) of property involved in activity.
- (4.) Address and legal description of property.
- (5.) Name, address and state license number of contractor, if different from applicant, and to the extent possible any subcontractor(s) who shall undertake the land disturbing activity and who shall implement the Stormwater Plan.
- (6.) A brief description of the nature, extent, and purpose of the land disturbing activity.

- (7.) Proposed schedule for starting and completing project.

1j) Plan Development:

- (1.) Plan development at Developer's expense: All Stormwater Plans shall be developed and presented at the expense of the owner/developer.

1k) Plan submitted to Director of Zoning:

Two (2) copies of the Stormwater Plan and a copy of SWPPP narrative, when applicable, shall be submitted directly to the Director of Zoning. Any insufficiencies and violations determined by the Director of Zoning or other Enforcement Officer(s) shall be noted and comments will be directed back to the Applicant/Developer. The Plan will then be revised as required prior to being approved.

1l) Plan review:

The Director of Zoning shall review Stormwater Plans as quickly as possible while still allowing for a thorough evaluation of the problems and mitigation measures identified and addressed.

1m) Director of Zoning may require additional protective measures:

The Director of Zoning has the authority, at his/her discretion, to require ground cover or other remediation measures preventing stormwater, erosion and sediment run-off, if either determines, after construction begins, that the plan and/or implementation schedule approved by the Director of Zoning does not adequately provide the protection intended by this Resolution and the plan approved by the Director of Zoning. Additional protective measures required by the Director of Zoning are subject to appeal under the procedures outlined in this Section.

1n) Improperly maintained stormwater management facilities and drainage structures violation:

- I. The Director of Zoning or designee shall periodically monitor and inspect the care, maintenance and operation of stormwater management facilities and drainage structures during and after construction and development.
- II. All on-site stormwater management facilities and drainage structures shall be properly maintained by the owner/developer during all phases of construction and development so that they do not become a nuisance. Nuisance conditions shall include: improper storage resulting in uncontrolled run-off and overflow; stagnant water with concomitant algae growth, insect breeding, and odors; discarded debris; and safety hazards created by the facilities operation. When problems occur during any phase of construction and development, it is the responsibility of the developer to make the necessary corrections. Corrective actions will be monitored and inspected by an Enforcement Officer.
- III. Facilities found to be a nuisance are in violation of the Resolution and are subject to fines up to \$5,000 per day with each additional day considered a separate violation.

1o) Director of Zoning responsible for providing safeguards in projects less than one acre:

Projects undertaken within the limits of Carter County that are not subject to review and approval of the Director of Zoning shall fall under the responsibility of the Director of Zoning or Enforcement Officers to insure that measures consistent with this Section are utilized to protect the health and safety of general public and to protect the quality of surface water. The Director of Zoning or Enforcement Officers shall require reasonable drainage and erosion and sedimentation control measures as part of the grading permit process. Under no conditions shall the developer/contractor of a property allow silt or sedimentation to enter drainage ways or adjoining properties, or allow stormwater flows to adversely impact adjoining properties. Denuded areas, cuts, and slopes in areas outside the building site shall be properly covered within the same schedule as directed in this Section.

1p) Existing developed properties with drainage, erosion and sediment concerns:

Properties of any size in Carter County that have been developed or in which land disturbing activities have previously been undertaken, are subject to the following requirements:

- (1.) Denuded areas still existing upon adoption of this resolution must be vegetated or covered under the standards and guidelines specified in the Best Management Practices adopted by the Board of County Commissioners, and on a schedule acceptable to the Director of Zoning or Enforcement Officers.
- (2.) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
- (3.) Drainage ways shall be properly covered in vegetation or secured with stones, etc. to prevent erosion.
- (4.) Junk, rubbish, etc. shall be cleared of drainage ways to prevent possible contaminate, pollution, and flooding.
- (5.) Stormwater runoff in commercial areas, office or medical facilities, may need to be controlled to the extent reasonable to prevent pollution of local waters. Such control measures may include, but not be limited to, the following:
 - (a.) Stormwater management facilities.
 - (b.) Planting and/or sowing of vegetation and other nonstructural measures.
 - (c.) Rip-rapping, mulching, and other similar erosion control measures associated with local drainage ways.

1q) Improvements needed at existing locations/developments determined by the Director of Zoning:

Improvements needed to provide drainage and sediment control in existing and completed developments shall be determined by the Director of Zoning or Enforcement Officers. The Director of Zoning or Enforcement Officers may evaluate existing developments, parking areas, and site work and drainage ways to determine if additional measures are needed to protect the health and safety and water quality.

Recommendations shall be:

- (1.) Provided in writing to the property/business owner.
- (2.) Detailed as to specific actions required and why these actions are necessary.
- (3.) Made with a reasonable period of time for implementation.
- (4.) Enforcement Officer may, but is not required, take the recommendations to the Planning Commission for review and approval, if deemed necessary by the Director of Zoning.
- (5.) The recommendations made by the Director of Zoning or Enforcement Officer may be appealed to the Board of Zoning Appeals for administrative review in accordance with this Resolution.

1r) Improvements required with existing developments subject to appeal:

Improvements required by the Director of Zoning and/or Enforcement Officers as outlined in this Section are subject to appeal by the property/business owners to the Carter County Board of Zoning Appeals as specified in this Resolution.

1s) Monitoring, reports, and inspections:

The Director of Zoning shall make at least monthly inspections, during construction and development, of the land disturbing activities, the stormwater management system installations, and other activities requiring a grading permit to ensure compliance with the approved plan and Best Management Practices. Inspections will evaluate whether the measures required in the Stormwater Plan and/or grading permit and undertaken by the Developer are effective in

controlling erosion. The right of entry to conduct such inspections shall be expressly reserved in the permit.

As a minimum, the owner/operator of any construction project which requires a Stormwater Plan is required to perform twice weekly inspections, separated by at least 72 hours, of their erosion and sediment control devices and to perform required maintenance in a timely manner. If the construction project requires a SWPPP, the owner/operator shall perform twice weekly inspections, site assessments, maintenance of devices, and documentation in accordance with the State of Tennessee's current Construction General Permit.

For drainage areas of 10 acres or more to a single outfall (5 acres or more if draining to siltation or stream-side habitat alteration impaired or exceptional waters of the state), a site assessment by the design professional who prepared the Stormwater Plan shall be performed within 1 month of grading or clearing operations starting to verify the installation, functionality and performance of all erosion and sediment control measures on the plans and in the SWPPP. Any issues shall be addressed immediately and the plans and SWPPP updated, if applicable.

If the Director of Zoning determines that the permit holder has failed to comply with plan approval, the following procedures shall apply:

1. A Notice from the Director of Zoning or Enforcement Officer shall be served on the permit holder either by registered or certified mail, delivered by hand to the permit holder or an agent or employee of the permittee supervising the activities, or by posting the notice at the work site in a visible location, that the permit holder is in Non-Compliance.
2. The Notice of Non-Compliance shall specify the measures needed to comply and shall specify the time within which such corrective measures shall be completed. The Director of Zoning or Enforcement Officer shall require a reasonable period of time for the permittee to implement measures bringing the project into compliance; however, if it is determined by the Director of Zoning or Enforcement Officer that health and safety factors or the damage resulting from being non-compliant is too severe, immediate action may be required.
3. If the permit holder fails to comply within the time specified, the permittee may be subject to the revocation of the permit. In addition, the permittee shall be deemed to be in violation of this resolution and upon conviction shall be subject to the penalties provided in this resolution.
4. In conjunction with the issuance of a Notice of Non-Compliance, or subsequent to the permittee not completing the corrective measures directed in the time period required, the Director of Zoning or designee may issue an Order requiring all or part of the land disturbing activities on the site are stopped. The Stop Work Order may be issued with or as part of the Notice of Non-Compliance, or may be delivered separately in the same manner as directed in this Section.

1t) Certificate of Occupancy not issued until approvals are met:

The Director of Zoning or designee will not issue a Certificate of Occupancy necessary to occupy any commercial or residential establishment until all aspects of the Stormwater Plan including stormwater management facilities have been completed and all control devices constructed have been approved and accepted.

1u) Grading Permit Security:

No grading permit shall be issued for a site larger than one (1) Acre until a security in the form of a Performance Bond, Irrevocable Letter of Credit, or Cash deposit is posted in the amount determined to be reasonable by the Director of Zoning for work associated with the Stormwater Plan including stabilization, stormwater conveyance, and stormwater management, if required, said deposit of funds to be made to the Carter County Trustee. A project cost summary for the items mentioned above must accompany the application so that it can be used to help determine the bond amount. The security may not be higher than an amount equal to the estimated cost of the improvements, and said security shall only be released by the Director of Zoning following completion of construction and acceptance of the grading, stabilization,

stormwater conveyance, stormwater management, and erosion and sediment control measures. The security shall be made out to the Carter County Planning Commission, and If after eight (8) months from the start of construction it appears that the Stormwater Plan activities approved by the Director of Zoning will not be implemented within a twelve (12) month period, the Director of Zoning, at his/her discretion after a Notice of Non-Compliance has been properly issued and the Developer has failed to comply, may cash or utilize said security to stabilize the site from erosion or any portion of the Stormwater Plan activities they deems necessary to protect the health and safety of residents and to protect the quality of local waters. Upon the posting of the security, the Developer must sign and have notarized an approved certification granting permission for any Stormwater Plan activities to be made on the property in case of default. The Director of Zoning may waive the requirement for a security for work in which the land disturbing activities are very minimal and are similar to single lot residential development.

1v) Appeal of administrative action:

Actions taken by the Director of Zoning or Enforcement Officer as authorized in this Resolution are subject to appeal to the Carter County Board of Zoning Appeals provided an appeal is timely filed in writing at the office of the Director of Zoning within thirty (30) days from the date any written or verbal decision has been made which the Developer feels adversely affects the Developer's rights, duties or privileges to engage in the land disturbing activity and/or associated development proposed.

1w) County clean-up resulting from violations at Developer's/Owner's expense:

Planning Staff are authorized at any time during construction and development to take remedial actions to prevent, clean-up, repair or otherwise correct situations in which water, sediment rock, vegetation, etc. ends up on public streets and/or right-of-ways resulting from violations of this resolution; where necessary drainage erosion and sedimentation control measures have not been properly implemented. In such cases, the cost of labor, equipment, and materials used will be charged to the Developer/Owner in addition to a service charge of \$100.00 per hour. The County will invoice the Developer/Owner directly, and payment shall be received within fourteen (14) days. Failure to pay for remedial actions taken by the County under this Section may result in the County Attorney filing a lien against the property involved in the action, and may negate any intention by the County to accept responsibility for any drainage and sediment control facilities. The decision of the County to take remedial actions to protect the health and safety of the public in no way supplants or negates the authority of the appropriate Planning Staff to issue citations for violations of this Resolution.

1x) Illicit discharge and illegal dumping:

The owner/operator if the site or project must design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:

1. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
2. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and
3. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

The following discharges are prohibited from construction sites:

- A. Wastewater from washout of concrete, unless managed by an appropriate control.
- B. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials
- C. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.
- D. Soaps or solvents used in vehicle and equipment washing

1y) Penalties; Enforcement:

Any Developer or person who shall commit any act declared unlawful under this Resolution, who violates any provision of this Resolution, who violates the provisions of any permit issued pursuant to this Resolution, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by any authorized Enforcement Officer or the Director of Zoning, shall be guilty of a violation of this Resolution, and each day of such violation or failure to comply shall be deemed a separate offense and punishable accordingly. Upon conviction, the Developer or person shall be subject to fines of up to \$5000.00 for each offense per TCA. 68-221-1106, sub section (a). Unless otherwise specified within any section of this Resolution, the Director of Zoning is the designated Enforcement Officer of this Resolution.

Notice of Violation:

In the event that the Administrator determines that a violation of any provision of this Resolution has occurred, or that work does not have a required plan or permit, or that work does not comply with an approved plan or permit, the Administrator may issue a Notice of Violation to the permittee or property owner and, or any other person or entity having responsibility for construction work performed at a site development. Issuance of a Notice of Violation either written or oral, of the provisions of the County Stormwater Management Ordinance or of the policies required by this Resolution shall be cause for the issuance of a Stop Work Order, withholding of a Permit Approval or Certificate of Occupancy, and, or civil penalties and, or damage assessments.

Stop Work/Cease and Desist Orders:

When the Director of Zoning or Enforcement Officer finds that any person has violated or continues to violate this Resolution or any permit or order issued hereunder, the Administrator may issue an Order to Cease and Desist all such violations and direct those persons in noncompliance to:

- (1) Comply forthwith;
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge;

If in the judgment of the Carter County Director of Zoning there exists an immediate danger to the public's life or property or to adjacent private property due to a permitted construction site, a Building/Grading Permit may be immediately suspended and may be revoked upon verbal notification, followed by submission of a Certified Letter of Violation to the owner or authorized representative.

Civil Penalties:

Pursuant to T.C.A. § 68-221-1106(a), the County has the authority to impose a civil penalty of not less than fifty dollars (\$50.00) or more than five thousand dollars (\$5,000) per day for each day of a violation. Damage assessments are determined based on any reasonable expenses incurred in investigating and enforcing violations of this part, or any other actual damages caused by the violation.

Appeals:

The Carter County Board of Zoning Appeals has been established to hear appeals of decisions of the Director of Zoning related to compliance with the Storm Water Management Resolution and MS4 management policies, procedures and regulations. This shall include appeal of actions used by the Director of Zoning to enforce compliance with the provisions of the Storm Water Management Program Resolutions and Policies. Notice shall be served upon the alleged violator either by personal service or certified mail. A request for an appeal must be made within thirty (30) days after the date of notice. The appeal must be filed with the Director of Zoning. The appeal shall be heard before the Board of Zoning Appeals at its next scheduled meeting following receipt of appeal. If a timely appeal is not received by the Board of Zoning

Appeals, the violator shall be deemed to have consented to the damage assessment and civil penalty and it shall become final.

Whenever a civil penalty or damage assessment has become final due to a failure to appeal or final judgment, the County may apply to the appropriate court for a judgment and seek execution. The County will treat a failure to appeal as a confession of judgment.

1z) Severability:

Each separate provision of this Resolution is deemed independent of all other provisions herein so that if any provision of this or provisions of this Resolution shall be deemed invalid, all other provisions thereof shall remain enforceable.

If any provisions of this ordinance and any other provisions of law impose overlapping or contradictory regulations, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern.


If any provision of this Resolution is held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any other provision of this Resolution.

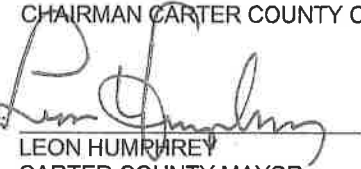
BE IT FURTHER RESOLVED, this Resolution shall be effective from and after the date of its adoption, the welfare of the county demanding.

Adopted this 16th day of September, 2013.

CARTER COUNTY, TENNESSEE

APPROVED:

By: 
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

By: 
LEON HUMPHREY
CARTER COUNTY MAYOR

VETOED:

By: _____
LEON HUMPHREY
CARTER COUNTY MAYOR

Date: _____

VETO OVERRIDE VOTE:

_____ YES VOTES
_____ NO VOTES
_____ ABSTAIN VOTES

APPROVED WITH SUCCESSFUL OVERRIDE VOTE:

By: _____
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

Date: _____

ATTEST:


MARY GOUGE
CARTER COUNTY CLERK

APPROVED AS TO FORM:


KEITH BOWERS, JR.
CARTER COUNTY ATTORNEY

Carter County Tennessee Planning and Zoning

MS-4 Program

SOP#1

Documentation of Complaint

Carter County, Tennessee is designated as a Municipal Separate Storm Sewer System (MS4) and through their NPDES Stormwater Discharge Permit with the State of Tennessee is required to and has developed a Stormwater Management Program.

One component of the Stormwater Management Program is the enforcement of regulations related to stormwater, pollution prevention, and water quality. These regulations include the land development process, erosion prevention and sediment control, construction site activities, good housekeeping for pollution prevention including illicit discharge prevention and illegal connections to the stormwater system, and permanent stormwater management.

The County shall enforce these regulations and document any violations by the following standards in the manner listed:

1. All Complaints should be addresses within 24 hours of a formal complaint being filed. If the violation does exist, this should be documented and placed in a file by name, date, and address. (See attached Complaint Form.)
2. If no violation is found than this to must be noted as same as in paragraph #1.
3. All inspection shall be made by a certified Stormwater Level I inspector.

Carter County Tennessee Planning and Zoning MS-4 Program

SOP#2

Documentation of General Inspection

Carter County, Tennessee is designated as a Municipal Separate Storm Sewer System (MS4) and through their NPDES Stormwater Discharge Permit with the State of Tennessee is required to and has developed a Stormwater Management Program.

One component of the Stormwater Management Program is the enforcement of regulations related to stormwater, pollution prevention, and water quality. These regulations include the land development process, erosion prevention and sediment control, construction site activities, good housekeeping for pollution prevention including illicit discharge prevention and illegal connections to the stormwater system, and permanent stormwater management.

The County shall enforce these regulations and document any inspections by the following standards in the manner listed:

1. All inspections should be accomplished for all permitted sites every 2 weeks and /or after a 1 inch of rain fall within a 24 hour period. If any violations exist than inspector shall initiate the ERP (Enforcement Response Plan), this should be documented and placed in a file by name, date, and address. (See attached Inspection Form.)
2. If no violations are found than this to must be noted as same as in paragraph #1.
3. All inspection shall be made by a certified Stormwater Level I inspector.

Carter County Tennessee Planning and Zoning MS-4 Program

SOP#3

Documentation of Stormwater and Construction Industry Handouts

Carter County, Tennessee is designated as a Municipal Separate Storm Sewer System (MS4) and through their NPDES Stormwater Discharge Permit with the State of Tennessee is required to and has developed a Stormwater Management Program.

One component of the Stormwater Management Program is the enforcement of regulations related to stormwater, pollution prevention, and water quality. These regulations include the land development process, erosion prevention and sediment control, construction site activities, good housekeeping for pollution prevention including illicit discharge prevention and illegal connections to the stormwater system, and permanent stormwater management.

The County shall enforce these regulations and document any informational handout pertaining to the MS-4 program by the following standards in the manner listed:

1. All Permitted Site operator and/or owner shall sign the attached form with the issuance of a Carter County Stormwater Permit; this should be documented and placed in the Stormwater Agreement Book by name, date, and address. (See attached Stormwater Agreement Form.)(Book is maintained at the permit issuance desk, in the CCPZ Office)
2. Handouts are available to all permit holders and the general public.
3. All specific questions pertaining to stormwater shall be addressed by a certified Stormwater Level I inspector or Level II inspector.

Carter County Tennessee Planning and Zoning MS-4 Program

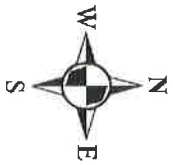
Enforcement Response Plan (ERP)

Carter County, Tennessee is designated as a Municipal Separate Storm Sewer System (MS4) and through their NPDES Stormwater Discharge Permit with the State of Tennessee is required to and has developed a Stormwater Management Program.

One component of the Stormwater Management Program is the enforcement of regulations related to stormwater, pollution prevention, and water quality. These regulations include the land development process, erosion prevention and sediment control, construction site activities, good housekeeping for pollution prevention including illicit discharge prevention and illegal connections to the stormwater system, and permanent stormwater management.

The County shall enforce these regulations and any violations should be resolved using the following tools in the order listed:

1. Verbal Notice of Violation for minor violations. However, this should be noted on an inspection log sheet and/or other documentation. If the violation is resolved, this should also be documented and placed in a file by name, date, and address.
2. A written Notice of Violation should be mailed and hand-delivered to the property owner. The letter is prepared by a certified Stormwater Level I inspector or County attorney. All NOV's shall include a compliance date, estimated cost of compliance, and penalties of enforcement (Resolution # 576, CCBC).
3. If the violations are not resolved in accordance with the Notice of Violation letter, a second Notice of Violation should be issued by certified return receipt mail and hand delivered by a certified Stormwater Level I inspector. This second Notice of Violation should be issued by the County Attorney and shall list all violations, the prior Notice of Violation, and the actions required and date by which to resolve the violations. This second Notice of Violation should state the fine that could be assessed and the possible issuance of a Stop Work Order if the violations are not resolved.
4. If the violations continue after the second Notice of Violation compliance date has expired then the County shall assess the fine and/or issue a Stop Work Order.
5. Should the violations continue and the Stop Work Order is ignored, the County Attorney shall start court proceedings to abate the violations.
6. If the violation has not been resolved after Step 4 above, in lieu of taking the Violator to Court, the County may elect to submit an Enforcement Assistance Request, (EAR) form to the local TDEC Environmental Field Office (EFO) for additional enforcement assistance to abate the violations in a timelier manner.
7. For repeat offenders, the County may include a fine and/or Stop Work Order with the initial Notice of Violation. The County may also elect to submit an Enforcement Assistance Request, (EAR) form to the local TDEC Environmental Field Office (EFO) for additional enforcement assistance at any time for repeat offenders.

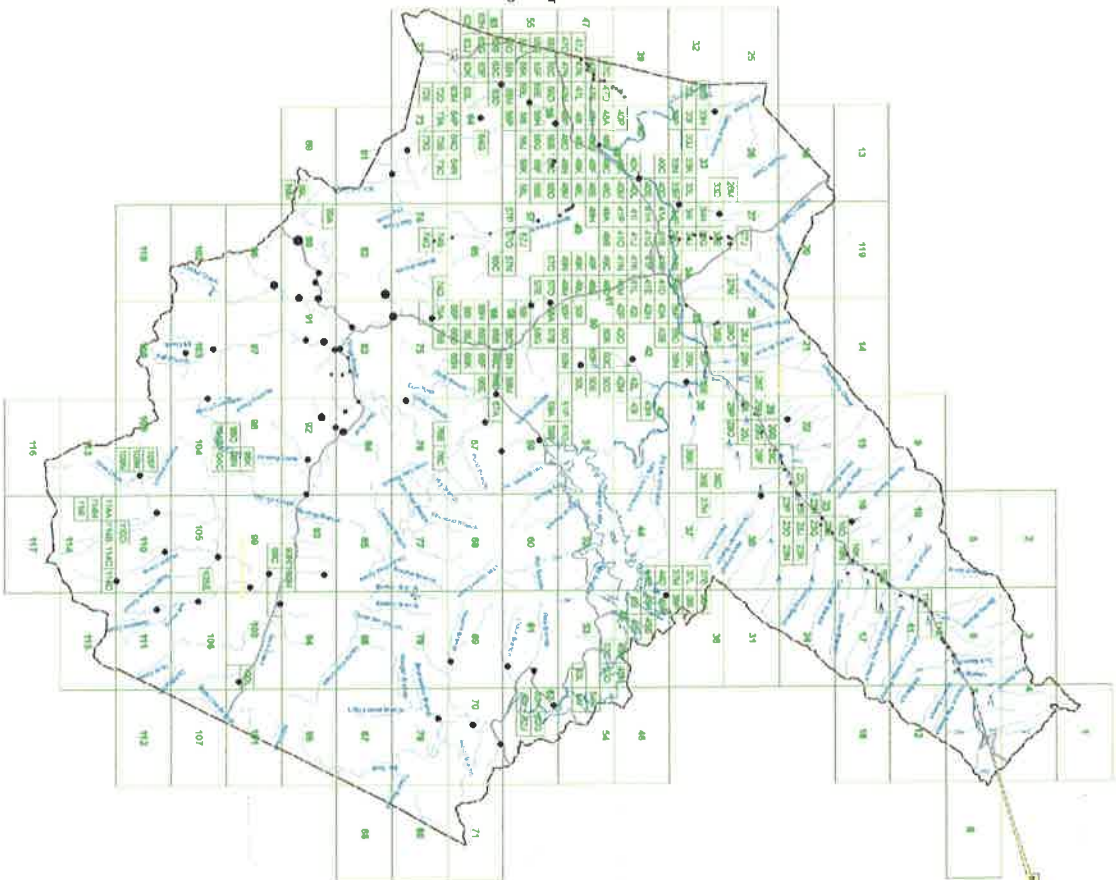


NOTES:

ALL DATA IS AS OF 10/1/2015
 DO NOT USE FOR CONSTRUCTION OF THE DOCUMENT
 OR FOR ANY OTHER PURPOSES
 ANY CHANGES AND/OR NEW OUTFALLS WILL HAVE TO BE
 LOCATED AS BUILT AND CORRECTED

THIS IS A WORKING DOCUMENT AND WILL BE UPDATED AS NEEDED
 AS SUCH AS SHOWN ON INSERT OR REPORT SIDE OF THIS DOCUMENT

Legend	
• wv_outfall	Highways
• wv_bridg	Labels
• wv_outf2	Streams
• wv_outf4	County Line
• wv_bridg	City Limits
• Fictile	Center_Parcel_100
• Keyte_Moody	Center_Parcel_400
• wv_mains	



CARTER COUNTY, TENNESSEE

Outfall Mapping as of 01 May 2015

BASE MAP 14 AUGUST 2012
 Updated Map of 10 September 2013

INSERT PHOTO FID 0, 191, AS NOTED ABOVE



1 inch = 1.27 miles

45,000

22,500

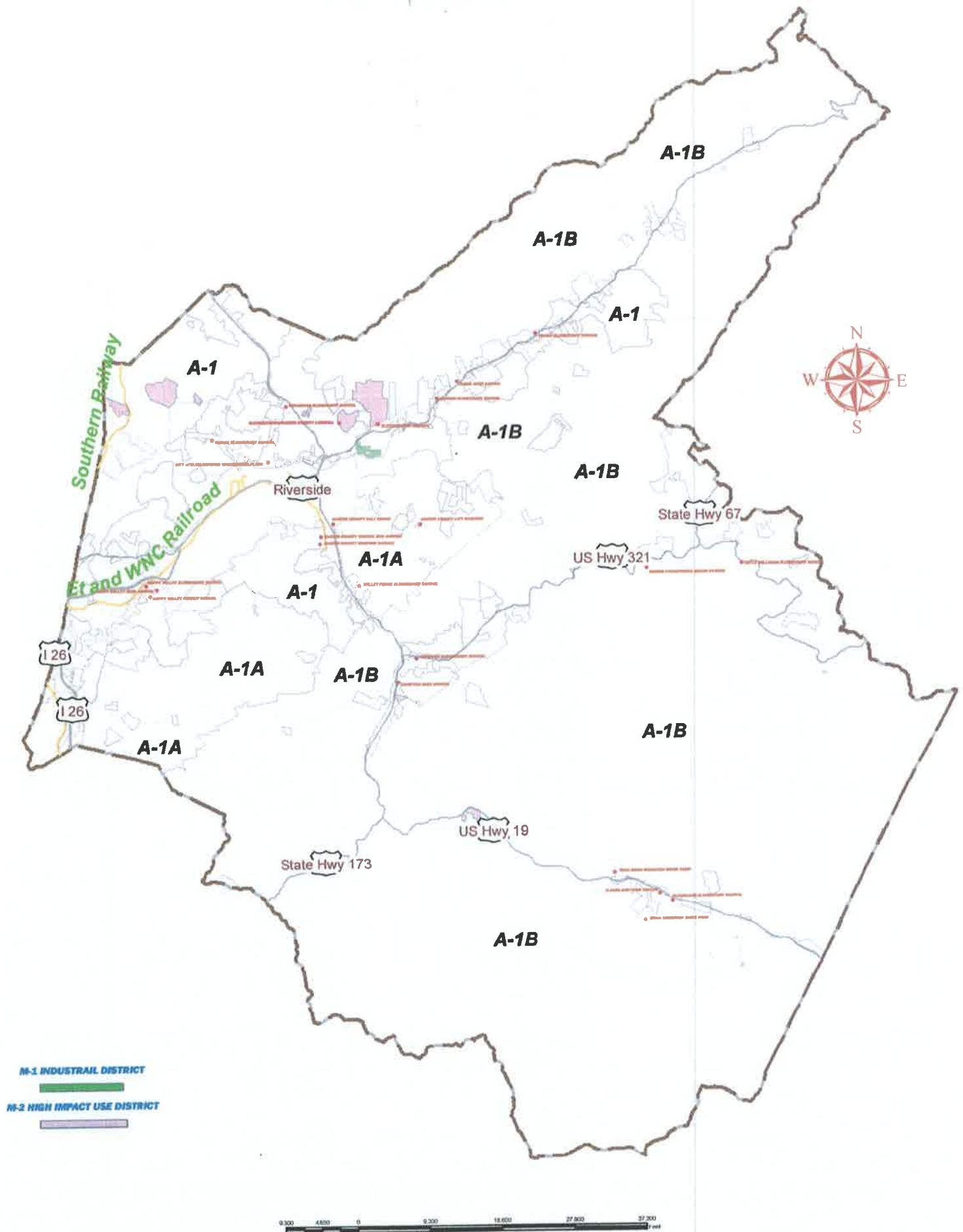
0

45,000 Feet



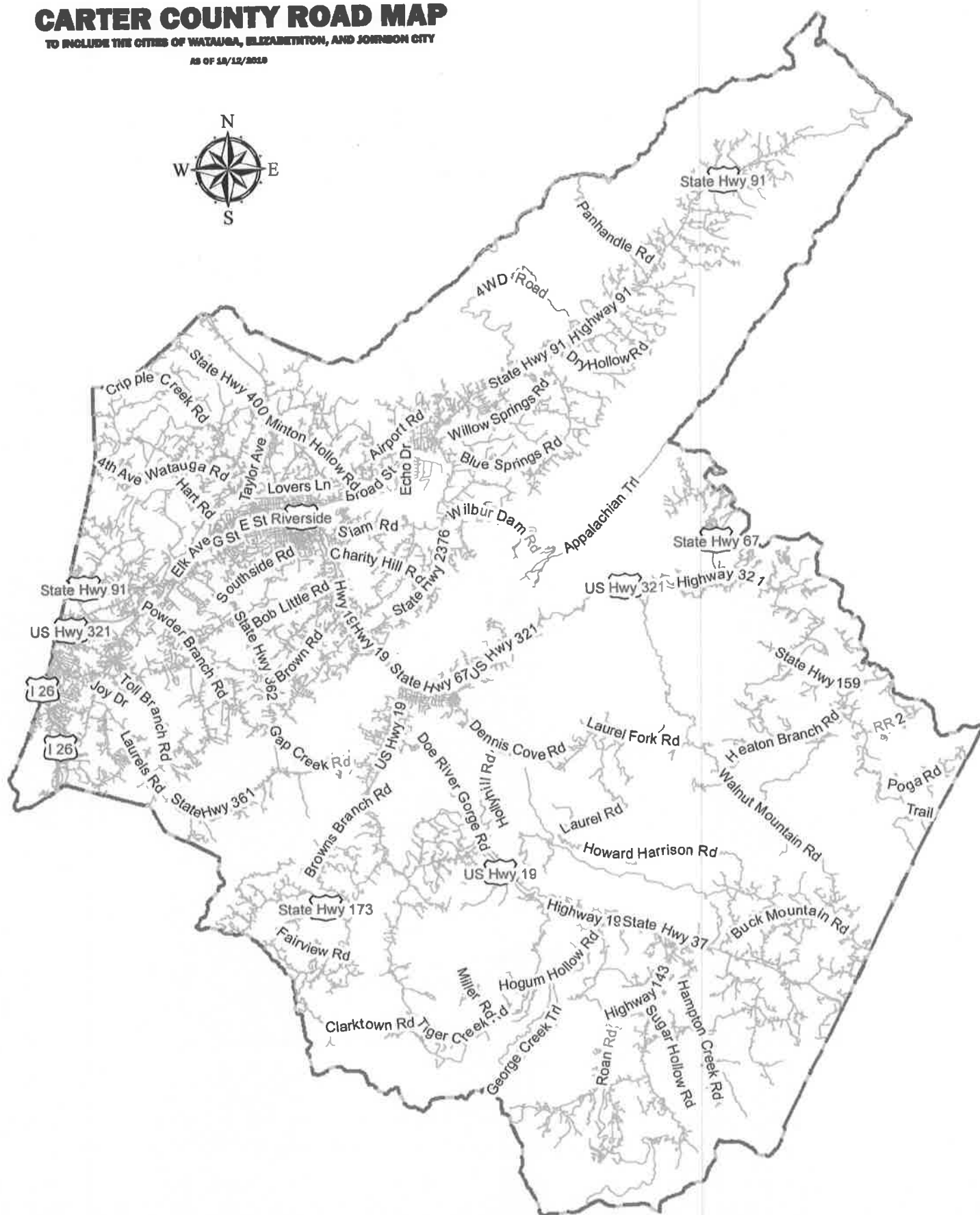
CARTER COUNTY

INDUSTRIAL ZONING and LOCATION MAPPING



TO INCLUDE THE CITIES OF WATAUGA, ELIZABETHTON, AND JOHNSON CITY

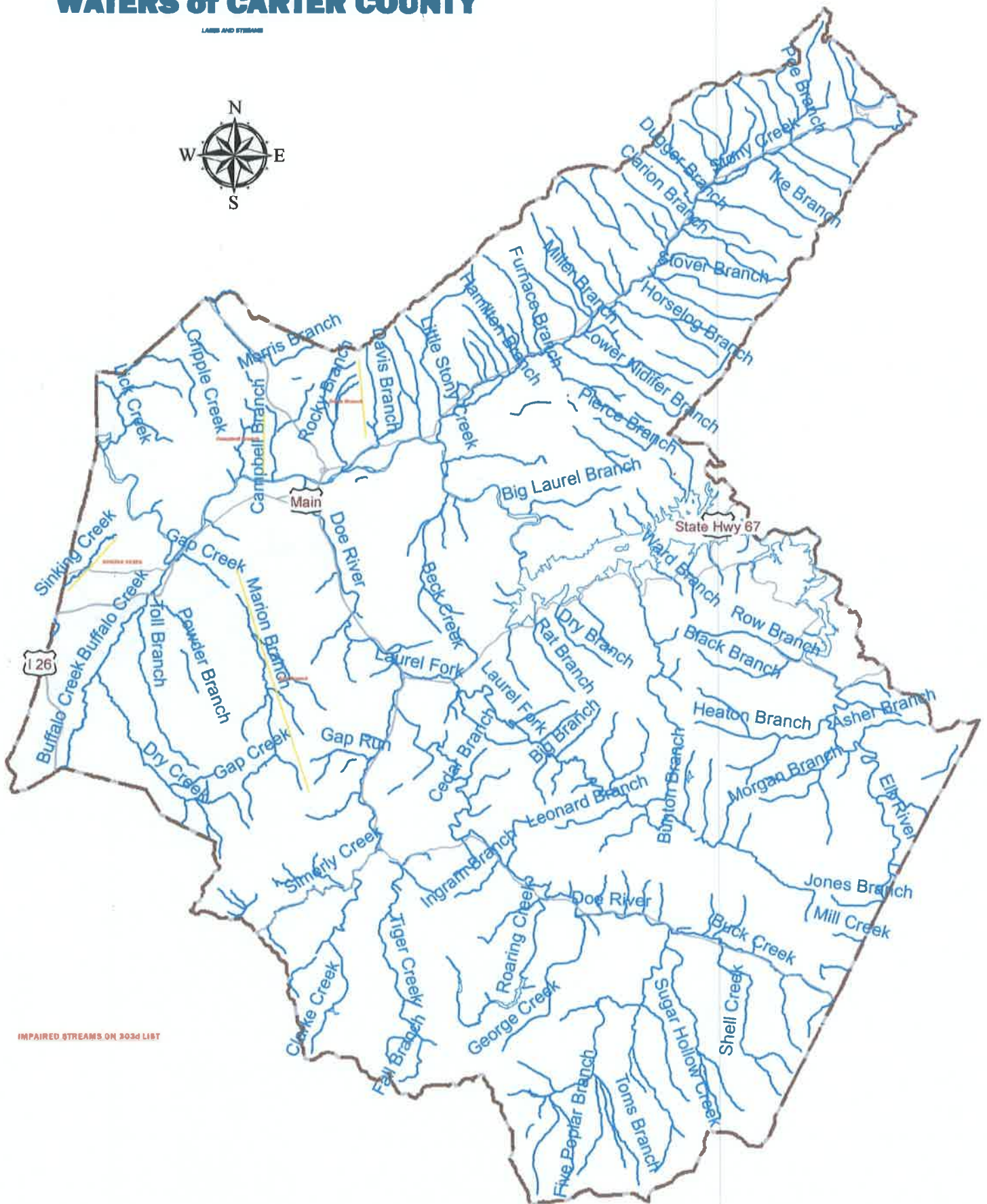
AS OF 12/12/2018



8,900	4,450	0	8,900	17,800	26,700	35
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WATERS of CARTER COUNTY

LAND AND STREAMS



IMPAIRED STREAMS ON 2024 LIST

